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CHARACTERS

OF

1807.

"——————— I wish no other herald,
"No other speaker of my *living actions*,
"To keep mine honour from corruption,
"But such an honest chronicler."———

HEN. VIII. Act 4, Sc. 2.

"——— Hic nigræ succus loliginis; hæc est
"Ærugo mera; quod vitium procul afore chartis,
"Atque animo prius, ut si quid promittere de me
"Possum aliud vere promitto."

HORACE, Sat. i. 4. 100.

LONDON:
PRINTED FOR RICHARD PHILLIPS,
BRIDGE-STREET, BLACKFRIARS,
By T. Gillet, Wild-court.

1807.

[*Price Half-a-Guinea in Boards.*]

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FROM
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PUBLIC CHARACTERS OF 1806-7.

MR. WHITBREAD, M. P.

FOR BEDFORD.

"Since all must life resign,
Those sweet rewards which decorate the brave
'Tis folly to decline,
And steal inglorious to the silent grave."
Sir Wm. Jones's Ode in imitation of Alcæus.

IT is impossible to recur to the early periods of our history without exultation, or to trace the various epochs that have led to our national greatness without an honest pride. Yet candid men will sometimes be inclined to pause, and wise men to discriminate. Perhaps, amidst all the supposed degeneracy of modern days, it will be found that a middle class of society, unknown to ancient times, has arisen; which constitutes the surest barrier against the despotism of a monarch, and the best defence against the inroads of a foreign foe. Perhaps too, wealth by being at once increased, and more equally divided, has, on the whole, produced a greater sum of happiness; and notwithstanding the immense load of taxes, which threaten certain ranks

of society with annihilation, the present age is better than a former.

The feudal times must always be contemplated with disgust. The king, only considered as the most powerful baron, commanded in parliament where he ought to have obeyed; and was a mere cypher in that camp in which he ought to have been the commander. The great landholders, on the other hand, were so many petty despots, ruling their own vassals with an unbridled authority; making war not unfrequently on each other, and sometimes committing the most horrid devastations with impunity.

Meanwhile the situation of the peasantry was wretched in the extreme. At one period absolute slaves, and literally appertaining to the soil;* at another in a state of vassalage; and obliged, in both cases, to toil and to fight for the interests, and according to the caprice, of their lords; they had no will of their own, and possessed neither money nor property. Thus the circle of misery was complete; and the chain which connected the tyrant and the helot did not possess one intermediate link, to which the happiness of individuals was attached: for all not barons were bondmen, and in a state of inconceivable degradation, both mental and corporeal.

It is not here attempted to be denied, indeed, that some noble struggles *incidentally* took place; and that from the occasional collision of two distinct

* Adscripti glebæ.

classes of despotism some glorious events were produced. Perhaps the practical foundation of all our liberties, although their origin may be traced much further back, originated in the mutual jealousies of king and nobles; and it is to the famous compact at Runnymede, in a former age, that we are indebted for the rights enjoyed during the present. The whigs of England, while engaged in a hopeless struggle against corruption, solemnly promised to commemorate the event by means of a noble pillar; and it is to be hoped, now they have once more obtained power, that they will redeem their pledge.

But after all, the event, to which we have just alluded, can scarcely be considered in any other point of view than a mere struggle for authority, in which the superior weight of property naturally preponderated. This, it must be owned, is still one of the great political landmarks that designate the ancient coast; but our present chart was formed and produced in a different manner, and by different means. Had the bulk of our population continued to consist of *villains*, the barons would have fought and bled and conquered, not for the public, but for themselves. We are therefore to recur to another period, for a solution of our inquiries.

The franchises granted to cities produced the first germs of civilization. The long and bloody wars between the rival *roses* secretly inclined the minds of men towards peace and tranquillity; while the introduction of commerce, manufactures, and the

arts, necessarily introduced new manners. Anterior to this epoch the profession of arms was alone honourable. Churchmen themselves were accustomed to repair to the field of battle; and the moated castle, with its portcullised gate, not unfrequently contained the mitred prelate. The courts of law, now deemed in some measure sacred, were not then exempt from the intrusion of brutal violence; and the powerful client, when he doubted the justice of his cause, might throw down the gauntlet of defiance, and challenge the judge himself to single combat.

For the great change that now took place the rest of Europe is in some measure indebted to the example of Italy; and it must be allowed, that it was there more sudden, and more complete perhaps, than ever it has been in any other nation of either ancient or modern times. While by the rare union of the merchant with the prince*, commerce became

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* Voltaire, while treating of a celebrated merchant, expresses himself thus:

"What a curious sight, and how contrary to the manners of our times, it was to see the same person with one hand sell the commodities of the Levant, and with the other support the burden of a state; maintaining factors, and receiving embassadors; making war and peace, opposing the pope, and giving his advice and mediation to the princes of his time; cultivating and encouraging learning, exhibiting shews to the people, and affording an asylum to the learned Greeks who fled from Constantinople!

"Such was Lorenzo de Medicis; and when to these particular distinctions the glorious names of the father of letters, the father of his country, and the mediator of Italy, are appended; who

honourable; in England it was chiefly confined, during the days of our Henries and our Edwards, to the Lombards and the Jews. At length, however, when the civil wars, in the time of Charles I., had ceased, both sea and land were ransacked for the elements of industry. Men began to reason; and it was discovered that there were other modes of subsistence, to the full as honourable as pay or booty. The children of respectable men were accordingly apprenticed to useful trades; and the younger sons of the nobility became merchants. In progress of time merchants themselves became nobles; and to this source we are to trace up some of the most illustrious families of the present day.*

The result has been at once honourable to themselves, and advantageous to their country. It is to this class of men we are chiefly indebted for our civil liberties and our national independance. By their exertions the fleets of England navigate every known sea, and enable her flag to ride triumphant in every quarter of the globe. During the struggle with the house of Stuart they of course sided with that liberty out of which they sprung;† and al-

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seems more entitled to the notice and the admiration of posterity than this illustrious citizen of Florence?"

* The duke of Leeds, marquis of Lansdown, &c. &c.

† "The commercial, or moneyed interest," says a modern writer, "has in all nations of Europe (taken as a body) been less prejudiced, more liberal, and more intelligent, than the landed gentry. Their views are enlarged by a wider intercourse with mankind; and hence the important influence of commerce in liberalizing

though at a more recent period they may have been allured for awhile by the overwhelming influence of a minister, who, although pure himself, never scrupled at the means of corruption; yet they are naturally and necessarily led, on all ordinary occasions, both by their position and their interests, to close with the people.

Nor ought it to be here omitted, that of late years a liberal spirit hath pervaded this respectable class of men. Many of them have been bred at our great schools; and some have attained a portion of learning at our universities that might have entitled them to a degree. Like* one of their great precursors (who, on account of his wealth and spirit, obtained the appellation of "the royal merchant"), they are conversant both in the ancient and modern languages; and like another,† it is to be

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the modern world. We cannot wonder then that this enlightened class of men ever prove the most ardent in the cause of freedom, the most zealous for political reform. It is not wonderful that philosophy should find in them more docile pupils, and liberty more active friends, than in a haughty and prejudiced aristocracy. The revolution in 1688 produced the same division in England. The moneyed interest long formed the strength of whiggism, while a majority of the landed gentlemen long continued zealous tories."

* Sir Thomas Gresham, who saw the propriety of intermingling the liberal with the commercial arts; and the perversion of whose noble endowments reflects disgrace on his present trustees.

† Sir John Barnard, who represented the city of London during six successive parliaments; and to whose intervention the overthrow of the excise scheme has been generally attributed.

hoped, that they will always prove hostile to every exertion of arbitrary power.

From the Greshams and Barnards of a former period, the transition is easy to the Whitbreads of our own.

The subject of this memoir is the son of a very extraordinary man; who was at once the architect of his own fortune, and the founder of a very opulent and distinguished family. Sprung from a respectable class of yeomanry, that constitutes the strength of a nation, he aspired to independance; and not only obtained it for himself, but his descendants.

The late Samuel Whitbread, esq. was a native of the county of Bedford; and as his father lived for a long time at the Barns, at Cordington, he is supposed to have been born there, in or about the year 1720. After receiving the rudiments of a plain provincial education, he was, according to the fashion of those days, articled as an *apprentice* to a brewer. It was some time after the expiration of the term agreed on that he set up for himself; and it is a fact, still repeated traditionally in the trade, that when he entered on his grand effort for a settlement in life, he employed the same *stoker* that had served in a similar capacity during his own noviciate.

Patience, industry, and sobriety, were in this case, as in most others, not only productive of happy, but of wonderful effects. He easily perceived that it was in the metropolis alone he could realise

his plans; and in that central position only, where a great consumption, added to a short carriage, would enable him to afford a good commodity at a reasonable price. The art, or rather the *mystery*, of brewing, as it may now be called, was then in its infancy. Our early ancestors indeed were acquainted with a drink composed of the juice of barley, but it was probably very different from the liquor now in use, being deficient in respect to one of the ingredients; which, while it contributes to its flavour, is supposed to be absolutely necessary for the attainment of maturity.*

* The editor has been at some pains to obtain an historical detail relative to this subject. Hops, the article manifestly alluded to above, as well as the drink brewed with it, appear, from the following homely distich, to have been introduced here about the beginning of the reign of Henry VIII.

"Turkey, carps, *hops*, piccarel, and beer,
Came into England all in a year."

Hops, however, are mentioned so early as the time of Henry VI.; and they even appear to have been then cultivated in this island, as they were petitioned against as "a dangerous weed," in 1428, which answers to the sixth year of his reign. During the fifteenth century, which was a period anterior to the general use of this bitter, wormwood was adopted as a substitute for preserving malt liquors; but in consequence of our intercourse with Flanders, the hop-grounds of that fertile country were resorted to; and there is a *vine* planted at this day in Kent, which, like the cherries, is still called Flemish, to denote the origin.

One of the Kentish saints seems to have been fond of ale; but we suspect that it was brewed with *wormwood* instead of hops. William Fitzstephen presents us with a very curious description

Having pitched upon Chiswell-street, Mr. Whitbread erected that noble and extensive brewery, the cost of the *plant* of which, to adopt the language

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of the retinue and parade with which the famous Thomas à Becket used to travel, when he was chancellor of England:

"He was attended," says the historian, "with about two hundred knights, esquires, young noblemen, pages, clerks and officers of his household, who, together with their attendants, were all armed, dressed, and mounted, every one according to his rank. He had in his train eight waggons, each drawn by five of the strongest horses: two of the waggons contained his *ale*, one contained the furniture of his chapel, another the furniture of his chamber," &c.

Porter has been introduced but a few years; and we have been given to understand, that it is indebted for its origin to a brewer of the same name; who, instead of serving his customers with *mild* and *stale* beer in two separate casks, had good sense enough to mix them in the same butt, and thus save both time and trouble.

The following is an account of the quantities manufactured by the principal brewers in London in 1805 and 1806:

1805.	Barrels.
Barclay and Perkins - -	152,500
Meux, Read, and Co. - -	131,700
Truman, Hanbury, and Co. -	120,400
Whitbread and Co. - -	103,600
Combe and Co. - - -	87,700

Statement of strong beer brewed by the six principal brewers in London, from the 5th of July, 1805, to the 5th of July, 1806:

	Gallons.
Meux - - - -	631,324
Barclay - - - -	618,004
Hanbury - - - -	493,254
Whitbread - - - -	412,462
Gifford - - - -	352,447
F. Calvert - - - -	268,250

of the modern auctioneer, would be immense. The extensive premises in the Borough, occupied for many years by one of its representatives, was sold, some time since, for one hundred and thirty-five thousand pounds; and those of which we are now treating, inclusive of the stock, would considerably exceed the immense sum of two hundred and fifty thousand pounds. It may excite surprise, perhaps, when it is recollected from what slender beginnings such a property was created; but when it is observed that the late Mr. Thrale's father paid off a mortgage of thirty thousand pounds in the course of the first eleven years he was in trade, and afterwards realised a very large fortune with means comparatively scanty, the wonder will cease.

While there was a complete identity in their callings, there was, at the same time, a striking resemblance in the lives of old Thrale and old Whitbread, who were indeed friends and contempora-

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Dr. Johnson made the following memorandum relative to what he had seen in one of the principal manufactories of Paris, when he accompanied Mr. Thrale, the great brewer in the Borough, to France: "We then went to Santerre (afterwards commandant-general of the national Parisian guard), a brewer. He brews with about as much malt as Mr. Thrale; and sells his beer at the same price, though he pays no duty for malt, and little more than half as much for beer. Beer is sold retail at sixpence a bottle, He brews four thousand barrels a year. There are seventeen brewers in Paris, of whom none is supposed to brew more than he; reckoning them at three thousand each, they make fifty-one thousand a year. They make their malt; for malting is here no trade."—*Boswell's Life of Johnson.*

ries. They both rose by that obscure, but meritorious, species of merit, which arises out of skill and industry, steadily and uniformly exerted in a lucrative business. The mind of each became expanded with his situation; both matched with respectable families; each gave a liberal education to his son; both rose to be members of parliament, and were succeeded by children who represented the same borough* as themselves. But what was infinitely more extraordinary, perhaps, than any thing yet mentioned, their children, instead of being dazzled at the wealth of their parents, or *ashamed* of their avocations, had the good sense to follow in the advantageous track that had been pointed out to them.†

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* Mr. Whitbread, sen. represented Bedford in several parliaments, and was a great benefactor to that borough. He spoke several times on the *corn-bill*, in 1788; and as that was a period of great scarcity, he was listened to with uncommon attention. During the preceding year his majesty paid a visit to Chiswell-street.

† Johnson was accustomed to give the following account of the late Mr. Thrale's father:

"He worked at six shillings a week for twenty years in the great brewery, which afterwards was his own. The proprietor of it had an only daughter, who was married to a nobleman. It was not fit that a peer should continue the business. On the old man's death, therefore, the brewery was to be sold. To find a purchaser for so large a property was a difficult matter; and after some time it was suggested, that it would be advisable to treat with Thrale; a sensible, active, honest man, who had been employed in the house, and to transfer the whole to him for thirty thousand pounds, security being taken upon the property.

Mr. Whitbread, one of the present members for Bedford, and only son of the preceding gentleman by his second wife Mary, third daughter of earl Cornwallis, was born in the year 1758. We know not under whose tuition he was first placed, but it is most likely that he learned English and some Latin at home. Certain it is, however, that he repaired to Eton at a very early age, and was contemporary with the late Mr, Lambton, M. P. for Durham, a

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"This was accordingly settled. In eleven years Thrale paid the purchase-money. He acquired a large fortune, and lived to be a member of parliament for Southwark. But what was most remarkable was the liberality with which he used his riches. He gave his son and daughters the best education. The esteem which his good conduct procured him from the nobleman who had married his master's daughter made him be treated with much attention; and his son, both at school and at the university of Oxford, associated with young men of the first rank. His allowance from his father, after he left college, was splendid; no less than a thousand a year. This, in a man who had risen as old Thrale did, was a very extraordinary instance of generosity. He used to say, 'If this young dog does not find so much after I am gone as he expects, let him remember that he has had a great deal in my own time.'

"The son, though in affluent circumstances, had good sense enough to carry on his father's trade; which was of such extent, that I remember he once told me he would not quit it for an annuity of ten thousand a year. 'Not,' said he, 'that I get ten thousand a year by it, but it is an estate to a family.'

"Having left daughters only, the property was sold for the immense sum of one hundred and thirty-five thousand pounds; a magnificent proof of what may be done by fair trade in no long period of time."—*Boswell's Life of Dr. Johnson*, vol. I. p. 445.

hopeful young man, who died at a very early period of life; viscount Howick, at present secretary of state for foreign affairs; and several other distinguished characters, who now occupy eminent stations. Jonathan Davies, M. A. was the headmaster; and for his private tutor he had George Heath, D. D. who, in 1791, succeeded the former, and has since retired with an honourable opulence from public life.

From this celebrated seminary, all the advantages of which are likely to have been reaped under such able instructors, he repaired to the university of Oxford; an institution which was once suspected of having made more tories than whigs, but from this charge it must be acknowledged to be exempt in the present instance. He was entered first of Christchurch, but soon removed to St. John's; and as he had no privilege to plead, and possessed none of those convenient pretensions which lead to academical honours without academical industry, it is but fair to infer, that the degree of A. B., which he took while there, proceeded entirely from his own merits.

After visiting many parts of his native country, Mr. Whitbread, at a proper period, was sent to the continent. As his father was at once wealthy and liberal, a gentleman in every degree calculated for such a trust was selected. This was the reverend Wm Coxe, A.M. F.R.S. and late fellow of King's college, Cambridge, with whom he repaired to France; and after visiting every thing remarkable in France, as well as contemplating the vestiges

of Helvetian liberty, he returned home to become a legislator in his native country. It is not a little honourable to both tutor and pupil, that the former, some years after, dedicated one of his works to the latter in the following terms:

TO
SAMUEL WHITBREAD, JUN. ESQ. M.P.
THIS THIRD VOLUME
OF
TRAVELS INTO POLAND, RUSSIA, SWEDEN, & DENMARK,
IS INSCRIBED
AS A TESTIMONY OF ESTEEM AND FRIENDSHIP,
BY
THE AUTHOR.

Soon after this we find Mr. Whitbread, like his father, aspiring to a seat in parliament. Some men are *said* to inherit, and others to purchase, the prescriptive right of uttering their sentiments in St. Stephen's chapel. There is however another, and a better, mode. It consists of that species of influence which arises out of character and virtue, a reciprocity of good offices, a liberal hospitality, and a connection similar to that which took place between the patrons and the clients of the Romans.

It was this which, in 1790, enabled Mr. Whitbread, after a struggle of some duration, to represent the borough* of Bedford; and to display

* At this contested election for the town of Bedford, the numbers, at the conclusion of the poll, stood as follows:

For Wm. Colhoun, esq. - - -	616
Sam. Whitbread, jun. esq. - -	601
John Payne, esq. - - -	574

those talents which have since attracted the attention of the public.

Mr. Pitt was at that moment premier, or, in other words, he united the office of first lord of the treasury with that of chancellor of the exchequer; and swayed the councils of his country with a degree of authority which had been exercised by no minister, perhaps, since the Revolution. He yet retained a semblance of his former popularity; and, on great occasions, still affected to be the advocate of those early principles which had brought him into notice. His professions, however, were become less warm, and his exertions less strenuous. It was perceived that while he employed his voice he denied his authority; and that the man who was so tenacious of power, that he would have exerted the unbounded influence of his office on the most trivial occasion, evinced the most constitutional scrupulosity whenever a reform in parliament, or an abolition of the slave-trade, was either proposed or supported by himself. Such was his regard for decorum on those occasions, that the dereliction of his dearest friends, or the lowest retainers of the treasury, never affected either the temper or the language of a statesman equally eloquent and irascible.

At this epoch, however, the veil began to drop off; and while all acknowledged the wonderful talents of the man, some began to doubt the good faith of the minister. Hitherto pacific, and founding his claims to applause on an economical system, he at this period appears to have suddenly changed his

principles and his views. As if fully determined on war, he looked sometimes to the north, and sometimes to the south, of Europe; and although he had but lately calculated on a peace of many years duration, yet he now aimed at a contest with Spain, Russia, and France, in succession. How far he succeeded in the object of his wishes is well known to all who are acquainted with the history of their country.

The member for Bedford spoke for the first time, we believe, on the Spanish; but it was on the Russian armament that he first distinguished himself.

The heads of the opposition, whose ranks had not as yet been thinned by desertion, determined, on one hand, to move a resolution expressive of the impolicy of the armament; while the ministry, unwilling to meet the arguments openly, recurred to the *previous question*: holding out, at the same time, the propriety of an entire reliance on the wisdom and the integrity of the cabinet.

"Mr. Whitbread said, he felt it his duty to rise and state his protest against the doctrine of confidence, which had been so much insisted upon by the gentlemen opposite to him; that sort of blind, implicit confidence, which he trusted the house would be ever cautious of giving the least indulgence to. He declared it was a monster with which he would grapple as often as he met with it, at all periods of his life, and endeavour to destroy it. Confidence had been alleged for every argument on the other side, in answer to every argument from that. It was his duty, and that of every man who had a seat in that house, to take care *ne quid damni capiat respublica*; and how could he do that, if the doctrine was, that they might abandon their trust, and resign it to the minister?

"Confidence, he observed, had been given to administration

on particular occasions; but it had never before been expected that *unlimited* confidence was required. Agreeably to the doctrine of the advocates of the minister, every member should deliver himself up, bound hand and foot, to this idol, without considering the good of their country, or the interest of their constituents. It was true several gentlemen were nourished under his auspices, and fed by his bounty; it was not, therefore, reasonable to suppose that they considered the degraded situation of parliament as long as their patron held the reins of government; they however did not think it necessary to adduce any arguments in his favour, because they found the ground untenable. They who sat in the house of commons as representatives of the people had a confidence reposed in them by their constituents; but that was not a confidence which they had a right to barter away to any man or set of men whatever, on any occasion short of necessity: they had received it with an impression on the minds of their constituents, that their rights and privileges, inherited from their forefathers, were by them to be handed down to posterity without the least infringement. But how could they do this, if they were called upon to vote away the money of their constituents without any good reason being assigned, or liberty given to make any enquiry at all upon the subject, so that the people might know the cause of this additional burthen?

"And that this was precisely the case no man could deny, who heard ministers call upon the house to vote money for an armament, perhaps a war, against Russia, without giving any information that could satisfy any honourable man of the necessity, far less of the justice or policy, of this war; and that too while the same shoes were not yet old in which they had come down to vote away four millions of their constituents' money to defray the expence of an armament against Spain. That a British parliament could long put up with this treatment was incredible; for certainly we were not now in that degraded state in which parliaments were in queen Elizabeth's time, when they were called upon to vote supplies, and were told, that it was meet that they should know the queen's pleasure in the expenditure of them. As we had risen from such a degraded state by the vigilance, the

firmness, and the patriotism of our ancestors, let us take good care, by imitating their conduct, not to return to that situation.

"A noble lord and a right honourable gentleman had prided themselves on evading all explanation, and avoiding all discussion, upon this important and secret subject; and certainly they had kept a most respectful distance from every sort of argument, explanation, or discussion: but this might be deemed one of the happy effects of their implicit confidence in the chancellor of the exchequer, who seemed to be the soul, vital principle, intellect, and providence of those gentlemen; whose obscure and hidden schemes they always approved, without wishing either to understand or have them explained. He clothes himself in mystery; he is enveloped in clouds; he directs the whirlwind and the storm; we feel the dire effects of his vengeance, but his form and his movements are invisible to our sight.

"In the late transaction with Spain we were told, 'Pay your money cheerfully; your armament has struck terror into the whole world; be assured that no power on earth shall henceforth dare to provoke your displeasure!' But scarcely is that very armament dismantled when the Russians are guilty of an act of insolence; and in order to chastise them it is again necessary to arm. But what, pray, is the mighty offence which the empress has committed? You offer your mediation, or, rather, you dictate to the empress terms which she refuses. You immediately throw off the thin disguise of the mediator, and appear in the shape of an armed bully. You step forward in a cause in which you have no concern whatever; and you tell her in the most arrogant terms that she must relinquish entirely every advantage which she had gained over an enemy who had attacked her without provocation. Confidence, in general (he observed), begot confidence; but in respect to the friends of the minister, the more secretly and mysteriously he acted, the more entitled he was to their confidence, and the more certain they were that he was doing right. On a former occasion, when the house had required information, the reply was, that a negociation was pending; in the present instance they were told that it was inexpedient Secrecy he had often heard applauded amongst individuals;

and a proper mixture of secrecy and openness there ought always to be where confidence or friendship was reposed: but certainly confidence was not to be given in proportion to that secrecy which has no mixture of openness; and he would ask any man, whether if another was to conceal every thing from him in the most suspicious manner, he would either have the greater confidence in that man, or think the better of his actions; yet such was the secrecy, and such was the confidence, which these gentlemen admired in, and claimed for, their right honourable friend.

"Mr. Whitbread concluded with observing, that when sir John Norris commanded a naval armament, on the same principles as the present in agitation, against the czar of Muscovy, he returned without its being productive of tranquillity, but rather proved an excitement to hostilities: as the czar remarked, that an armed fleet was a strange symbol of peace; and if he wished to effect the purpose of his mission, he conceived that the best mode was one less exceptionable, and more compendious. After declaring himself in favour of Russia, as our natural ally, and reprobating the mode of getting rid of the subject by the previous question, Mr. Whitbread said he should vote for the resolution that had been proposed."

It is almost unnecessary to remark, that a *suspicious* opposition was beaten on this occasion by a *confiding* majority. The former, however, in the end triumphed: for although the eyes of the ministry were shut to the evils of a Russian war, yet those of the nation were open; and the complaints of the commercial men poured in so thick, in the form of petitions, that the folly of expending British blood and treasure about the possession of Oczakow became conspicuous to every one. An armistice accordingly took place; and it was on that occasion that the empress Catharine requested and obtained the bust of Mr. Fox, whom she consider-

ed as the presiding genius who had hushed the storm of war, and prevented a world of misery to both nations.

As the ministers had deferred explanation during the contest, and at its termination studiously avoided all mention of the subject, Mr. Whitbread, on the 29th of February, 1792, moved, "That a committee of the whole house should take into consideration the papers on the table, respecting the late armament against Russia." On being seconded by Mr. Grey, the member for Bedford again rose, and after commenting on the difficulty and importance of so arduous an undertaking, he adverted to the documents produced for the inspection of the house; and observed "that, in respect to ministers, it required neither ingenuity to invent, nor eloquence to enforce their criminality otherwise he should have been sorry that the task had fallen into his hands, when there were so many around him more fit to introduce and comment upon subjects of such magnitude.

"When the same question was under discussion last year, he felt himself happy to reflect that he was one, though certainly one of the humblest and most inconsiderable, of a very respectable minority in that house, who had argued against those measures which have now been found, in the result, so detrimental in every respect to the interests of the country; and it was a circumstance that afforded no small degree of satisfaction to him, as well as all those who thought as he did, that their sentiments and conduct were in strict unison with the voice of the people; and that the salutary effects of their exertions co-operated not only with the wishes, but the interests, of the public. If they were as fond of boasting as those on the other side of the house, they might speak with triumph and exultation of their endeavours to

prevent a wanton, foolish, and extravagant armament, which the result had proved could never be of the least advantage to this country or her allies; and still more when it was acknowledged by the minister's friends, and notorious to the country, that the efforts of opposition had arrested the dangerous views of administration, and prevented an unjust, unprovoked, and impolitic war, with all its concomitant consequences. In addition to this, let it likewise be remembered, that they arrested the destructive and short-sighted operation of the minister's misguided and mistaken policy, at a period when he was in the zenith of his power, after a long continuance in one of the highest official situations, and with a very great and numerous majority at his back, to support whatever measures he proposed to their acquiescing judgment and compliant friendship.

"This having been the happy effect of the conduct pursued by opposition last year, he must contend that the country owed great and substantial blessings to their interference. Had the weak and ill-judged system which ministers set out with been carried to the extreme, which there was every reason to think that their vanity and desire of confidence would have led them to, the dreadful effects might have been little short of a national bankruptcy; which was happily prevented by the timely interference of opposition, by their vigilant attention to the real interests of their constituents, and the solid welfare of the country. With regard to the commercial interests of the nation, whatever doctrines might be held out by persons who were anxious to delude those who were affected by their motives, certainly no person intelligent in commercial affairs could hesitate a moment to pronounce that our trade with Russia was a great, a substantial, and an indispensable, benefit to this country. So much must every well-informed man be of this opinion, that he believed it was received as a general axiom, that any minister who brought on a war with Russia upon slight grounds, or, rather, without being compelled by the most pressing necessity, would be culpable in the extreme, and would make a most severe and unwarrantable attack upon our commercial interests. When he accused the minister of having a different opinion, of evincing a short-sighted policy,

and a want of that political philosophy which must ever dictate measures productive of advantage to the country, he found himself justified by referring to that great and enlightened philosopher, Dr. Adam Smith, author of the Wealth of Nations, who so justly merited the handsome compliment paid to him, in such brilliant language, by the right honourable gentleman, in his eloquent finance speech, when he opened his budget; for it would be found that the political reasonings of that incomparable philosopher would, upon a due consideration, entirely refute every opinion and argument which the right honourable gentleman and his friends seemed to adopt respecting the trade between this country and Russia. As a nursery for mariners, was any man ignorant of the numbers which this trade afforded? For supplying us with naval stores, could any man tell where we ought to look in preference to Russia? But, what was of still more consequence than either, the different articles of raw materials with which she furnished us gave employment to thousands of our manufacturers; and when manufactured in this country, and again sent abroad, produced a return often of more than a hundred fold. Having enlarged considerably on this point, he asked, if this was a trade that we ought to despise and neglect? or was Russia a power that we ought to court a war with? He had said that it was culpable in ministers to provoke a war with Russia upon slight grounds; but he had not yet heard any thing that could explain to him that there were any grounds for our armament.

"He was sure that any arguments founded upon the conduct of Russia in other times, particularly as to the armed neutrality, would not be mentioned to-night: they had long since been deserted; and he believed no one would say that revenge ought to be a cause, or could give us a right, to go to war with Russia. Some insinuations had been thrown out during this discussion that our alliance with Prussia, though no public or acknowledged treaty was mentioned, was the principal cause of our interference. In the debates of last year it was insinuated, with the same kind of mysterious secrecy, that there might be some private treaty which ministers thought it improper then to lay before the public,

that bound us in honour to interfere; but now that they had laid what they called all the papers relative to the negociation before the house, surely such insinuations would be heard no more. No jealousy, he contended, could arise from the cession of the Crimea, which had taken place in 1784; and as to the origin of the war, certainly that would not be laid to the charge of Russia. As to the situation of affairs in 1790 they stood thus, as might be seen by looking at the letter of count Osterman to count Woronzow, dated 27th August, 1790: it appeared that her imperial majesty had ordered her answers to the overtures of the court of Berlin to be communicated to the British ministers, and to state her hopes that his Britannic majesty, with the assistance of Prussia, would use his endeavours to prevail with the Ottoman Porte to accept of her just and moderate propositions; and, on the conclusion of this letter, there was this remarkable passage, which must preclude ministers from the possibility of arguing that the demands of Russia were either immoderate, or too ambitious. It was, 'the grounds on which these propositions are founded have been already discussed in the cabinet of St. James's, which has found them perfectly just and admissible.' This manifested, in the clearest manner, not only the justice and propriety of the empress's propositions, but that the British cabinet knew and approved of them. However, they did not continue long in that mind; and their conduct gave reason to all Europe to think that we stimulated the Turks to a continuance of the war, an assertion that he must hold good till it was contradicted; and, if true, he must think, and say, that his majesty's ministers were highly culpable: if false, and if they can prove the general opinion to be a calumny, it became them to refute it, and to shew that they did not merit such an aspersion on their measures. Their declining this, he said, would only shew the same obstinacy in a wretched policy that had degraded the British councils in Europe, and could not be justified on any principle whatever.

"The empress, it appeared from another letter of count Osterman to count Woronzow, had, as early as the 1st of May, 1790, asked our mediation; but the terms which she offered we reckoned inadmissible, and proposed an armistice, without which we

refused our mediation; and yet it turned out that they were the very same terms upon which the peace had ultimately been settled in December 1791. With regard to the first terms of the empress, proposed after the Crimea had been ceded to Russia, and when her arms had been attended with the greatest success, he forgot to state that she demanded not only the country between the Bog and Dneister, but likewise that Bessarabia, Wallachia, and Moldavia, should be made an independent country, and put under the government of a christian prince, which was a claim that we were right in refusing to mediate upon; but certainly he must say that this first claim was entirely out of the question; and nothing could shew more clearly that she had relinquished it than the proposal of other terms, which it appeared had first been approved of by the British cabinet, afterwards rejected, and finally agreed to; and upon those last-mentioned terms he meant to argue only, for he thought the first were as much out of the question as the partition of Poland, or, what we ought to have had as little to do with, as the partition of the Mysore country: though it seemed to be the opinion of the present administration that what was bad and destructive policy in Europe might be sound and profitable policy in Asia.

"He then came to notice what had been said on many occasions of the importance of Oczakow; though indeed it was impossible to know what the friends of administration really thought of it, for last year it was a sufficient cause for an armament or even a war, and this year it was found that the want of it was no obstacle to concluding a peace; so consistent were they on a matter that brought great expence upon their constituents, and might, if it had not been prevented, have produced more calamitous consequences: but he would fairly state his belief that we had not the least trade with Oczakow; that we neither sent any thing there, nor got any thing from thence; that we had no sailors that had ever been there, nor was it probable that they ever would be; and that we had no one merchant, active and zealous as the British merchants were to extend the commerce of our country, and enrich its resources, who had ever even thought of any trade or adventure with Oczakow. What advantage our ally, Prussia,

might derive from it he was equally ignorant of; nor did he think there could be any, except it was to be found in some such private treaty with that power as had been insinuated, though never mentioned, to exist. He trusted it was needless to delay the house longer with any arguments to prove that it was of no political consequence to this country whatever whether Russia possessed Oczakow or not. It often happened that authority would produce conviction when the soundest argument failed to do it; and would command assent when solid reasoning would not be attended to. This induced him to recur to his majesty's speech to parliament, in November 1790, where he informed his subjects, that the general assurances he had from foreign powers gave him reason to believe that they would continue to enjoy the blessings of peace, and that the general tranquillity of Europe would remain undisturbed; and yet the letter of the count Osterman was dated in May that year, which certainly did not coincide with that declaration, as the result, as well as the fact, had shewn. He asked if it was proper, if it was warrantable, if it was constitutional, that the country should be deceived and deluded in this manner, by the craft, the caprice, or the ignorance of ministers? All this was their object last year. A blind and unlimited confidence was asked for their measures; and all explanation and satisfaction was then denied, because a negociation was pending. Now when it was concluded every information was in the same manner refused. First they dictated terms to Russia: then they gave her her own terms. He sincerely trusted that the ministers themselves had sounded the alarm to the country against confidence; and the word which he must use, hackneyed as it had been of late, would be so well understood, as to its pernicious effects, as to be abominable to every English ear. Their object last year was Oczakow solely. This year it was altered; and by their inconsistency and folly it would seem that, in no one instance through the last two armaments, did their conduct assimilate with their object. He wished to call the attention of the house to the memorial from Mr. Whitworth to count Goltze, of the 26th of May, 1791. This memorial stated the refusal to let Russia possess Oczakow and its district, as the evident situation

of Turkey made it more necessary to her than Russia: and that it was of the highest importance to the security and independence of that power, and essential to the permanent tranquillity of Europe. In consequence of this we armed, and were very near plunging the country into a war.

"The memorable memorial to the British court, decisive of the empress's mind, was presented to us on the 8th of March; and the king's message to the house, intimating that a war was unavoidable, happened on the 28th of the same month. Why did not parliament receive an earlier communication of the determinations of our ministry? Could they for a moment suppose that by hectoring as the bullies of Europe we should force the empress to abandon her claims, which were founded on moderation and justice? Instead of appearing as the *dreadful giants*, whose characters we wished to assume, were we not the *most insignificant pigmies* that ever existed? For, with arms in our hands, we had, in the next memorial (one, he would say, the most humiliating that ever had gone from England, or been penned by the British minister), put to the end of it a petition, that Russia would give us any terms that were most convenient for herself. Thus we had by a memorial, dictated from chicane, artifice, and meanness, concealed our real object, and been obliged at last to arm, in order to tell the truth, which he believed Britain never was obliged to do before. In his mind, policy between great powers should, in some degree, resemble honourable conduct between man and man. Had we not abandoned the policy and honour maintained between man and man, when we deceived the Turks by the shameful surrender of the original claims? Was not this crooked departure from the paths of rectitude a satire on our political importance? Were we not obliged to send envoy after envoy to tell the empress that our turpitude could no longer be concealed, and that we would gladly accept of any terms, if she would, in the plenitude of her power, grant us some apology for our misconduct? For the purpose of accommodation, Oczakow was then heard of no more; and the navigation of the Dniester was readily admitted on the part of Russia, as appeared by the conclusion of the memorial: 'Her imperial majesty's friendship and regard for

the kings of Britain and Prussia, her solicitude for the repose of the powers of Europe, her care for her people, and desire to prevent the effusion of human blood, afforded the surest confidence that she would speedily signify her decision to them, more especially as having complied with every thing her imperial majesty has appeared to desire, they ask from her goodness and generosity some slight modification.' Her answer granted freely the navigation of the Dniester; she did not hesitate to give the most positive assurances to that effect; and did it the more readily, to shew that, during her whole reign, she had acted invariably upon principles of encouraging the commerce of neutral and friendly nations. What was this but granting what she never had refused? A more humiliating petition to conclude a memorial with, he was sure, could not be exhibited; considering, at the same time, that we were negociating with the support of a fleet, extending from Spithead to Southampton, at our back. We had set out with fears about the inordinate ambition of Russia, and the danger of increasing her power; we had been obliged to acknowledge that the charge of ambition and rashness belonged to ourselves. Ministers brought us into a scrape, and then begged, in the most submissive way, that she would give us some loop-hole to get out at. That princess, he said, had acted all along with the magnanimity that belonged to her. In May, 1790, she had proposed terms neither immoderate nor unjust, and had never departed from them. We had, after fourteen months negociation, been compelled to agree to those very terms; and only demanded the navigation of the Dniester, which she had never refused. All this we had carried on at a great expence of Turkish blood; for the ears of our negociators must have been regaled with triumphs for the victories over our allies! Indeed he might with great propriety ask, who were our allies? We seemed in that lost and degraded state that we had neither friend to avow us, or enemy to fear us. That the Turks did not avow us as allies, or act in concert with us, was apparent from their not even thinking it necessary to send us a copy of their preliminary articles of peace; and in their definitive treaty, he understood, there was not one word of that article which was now called the object of our negociation. It was surely rather a

trick of Turkish supineness, to suppose that they would omit entirely the only object of importance to them. He reprobated the idea of keeping up the armament after the only object we could obtain was got, upon a supposition that Russia might increase her demands if we disarmed. How then did we disarm at last? Upon the faith of her word: for it appeared that the press-warrants were recalled in July, though the peace only took place in December.

"The domestic misery which always accompanies unnecessary armaments ought to have operated against any precipitate measure of this nature. The recent mode of arming and disarming the navy was cruel in the extreme. The frequent exercise of the measure by a minister had always produced the execrations of a very useful part of the community. By this detestable assumption of power men were torn from their families; their habits of industry subverted; and, on the adjustment of affairs, they were abandoned to the world without any provision for their future welfare. Thus, having received no recompence from their country, they could entertain no gratitude, and must always return with reluctance to similar pursuits. Notwithstanding our apparent prosperity we suffered the greatest political derangement by the injudicious exercise of the functions of government; and we should soon foresee our decline unless a change were adopted.

"The papers on the table, such as they were, presented nothing but a mutilated monument of ministerial arrogance. Neither could he submit to the set-off practised by the minister's friends, of dwelling with fulsome adulation on all his measures, because the finances of the country were in a prosperous way, or the stocks at ninety-six. This was feeling the public pulse; but, by feeling the pulse, we could not always ascertain the real state of the patient; and this applied to the body politic as well as to the natural body. Our national debt had increased so much of late, that we had become a nation of stock-jobbers, and opinions fluctuated with the rise and fall of the funds. He never would ascribe to the minister a controul over the accidents and circumstances which had raised the property of the country to its present state. He concluded by a reference to the duke of Leeds; and said, there

was great magnanimity in a man of consequence and splendid talents, who held a high official situation, giving up his place, rather than submit to opinions that did not proceed from conviction, but none in abandoning systems and opinions for the sake of retaining a place; and thought the right honourable gentleman, by doing so, forgot what was said by an honourable friend of his on a former night: 'Justum et tenacem propositi virum,' &c. For he had sacrificed his opinions, and his whole system, to an inordinate love of power, and obstinate tenacity of office."

He then moved his resolution:

"That no arrangement, respecting Oczakow and its district, appears to have been capable of affecting the political or commercial interests of this country, so as to justify any hostile interference, on the part of Great Britain, between Russia and the Porte."

Earl Fitzwilliam, at the same time, called the attention of the other house to the conduct of Mr. Pitt and his colleagues relative to Russia; but the minister, in both cases, triumphed, so far as the suffrages of large majorities could be deemed a triumph. It was visible, however, that from this period he ceased to be popular, and was obliged to recur to the influence of numbers, instead of opinions, for support.

In 1795 a considerable degree of scarcity prevailed, and the situation of the poor became truly deplorable. This circumstance of course led to an inquiry in the house of commons; but, after a long discussion, the causes that gave rise to it were deemed to be of so complicated a nature, that it was found difficult either wholly to discover, or remove them. In the mean time the hardships incident to labourers, tradesmen, and manufacturers,

were referred to the consideration of the house by the member for Bedford, who observed,* that the *maximum*, or highest extent of wages to husbandmen, was fixable by the magistrate, but not the *minimum*, or lowest; a circumstance which was productive of great hardship. Accordingly, a few days after this, he brought in a bill to authorise justices of the peace to regulate still further the price of labour at every quarter-session.

On this occasion he was supported by Messrs. Fox, Jekyll, and Honeywood; and opposed by Messrs. Burdon, Buxton, Vansittart, and Pitt: the last of whom, instead of a rise of wages, recommended "the institution of friendly societies to relieve poor families, proportionably to the number of their children, together with the loan of small sums, payable in two or three years."

The motion was accordingly negatived; but the opinion of the public was not in strict unison with that of the minister. It was argued by able and disinterested men, that the wages of the labourer ought, in all situations, to bear a due proportion to the price of the necessaries of life. "That alone," it was said, "would prevent distress, and ultimately diminish the number of poor to be provided for according to law;" but instead of an effectual barrier like this, it was intended to cope with the increasing scarcity by the sacrifice of puddings and of pastry, by the restriction of the quantity of bread

* Nov. 29, 1795.

used in the houses of the opulent, and by other remedies, bearing the stamp of a narrow and temporary policy.

In the spring of 1797 a French squadron appeared unexpectedly off Bantry Bay; and the city of Cork, with stores to the amount of nearly one million and a half, was in danger of falling into the hands of the enemy, so that the alarm both in Ireland and England was general. When the unprepared state of that country came to be considered, it was the opinion of many that the ministers had been negligent in their preparations; and on the 3d of March Mr. Whitbread moved for a committee to inquire into their conduct. This measure was got rid of by the previous question; and it is but justice to observe, that the exertions afterwards made, relative to that country, were meritorious, so far as the public efforts against the common enemy are to be considered.

Mr. Whitbread, as well as the party with which he acted, had from the beginning blamed the war with France; and not only condemned the principles in which it originated, but the manner in which it was carried on. It is not in the least surprising, therefore, that they should lay hold on every opportunity to close the scene of blood. We accordingly find that when Buonaparte, on his return from Egypt, had overturned the authority of the directory, and supplied their power by a consulate, of which he himself was the organ, hopes were entertained of a speedy pacification. That *soldier of*

fortune was no sooner invested with the supreme power than he addressed a letter to the king of England, in which he evinced an ardent desire for a termination of hostilities. His majesty, however, was advised to treat this overture with contempt: but there were some who thought differently on the subject; and when Mr. Dundas (now viscount Melville) moved an address to the throne on the occasion, February 3, 1800, the subject of this memoir rose, and expressed himself in substance as follows:

He began by observing, "that having been always of opinion that this war might have been avoided in the first instance, and having uniformly opposed its progress, whenever occasion offered, he could not refrain from delivering his sentiments on the present subject of negociation. The right honourable secretary* had set off artfully enough, by calling the attention of the house to all those enormities which had taken place since the commencement of the French revolution; and asking if any person would now justify it? For his part he (Mr. Whitbread) had ever maintained but one opinion on the subject; and he was free to say, that had it not been for the interference, the folly, and ambition of the other powers of Europe, the French revolution would, at this time, have borne a very different complexion; but every attempt to repress its evils has only disseminated them wider. Added to all this, a worse effect followed, which was, the extinction of liberty in almost every part of Europe, under the pretext of counteracting the licentious principles of France.

"The right honourable gentleman had remarked, that from the commencement of the revolution France had shewn a sovereign contempt of treaties; and, within these ten years past, had been at war with almost every state in Europe. In saying this the right honourable gentleman had only pronounced his own panegyric; for he had informed the house that he thought it his duty to invite

* Mr. Dundas,

every power in Europe to unite in one common cause against France, the common enemy of mankind. In this he succeeded; but whether from want of good faith, ability, or power, the views of the allies had been frustrated, and the French revolution had always risen superior to their adverse endeavours.

"The right honourable gentleman objected highly to the conduct of the French rulers in respect of neutral nations; but did he not recollect the conduct of Prussia towards Hamburgh? Did he forget lord Hervey and lord Hood, who ordered the French ministers to be dismissed from Florence? Did he forget Mr. Drake at Genoa, and the threats which induced that neutral power to dismiss her French inhabitants?

"There certainly was a great oversight committed by the right honourable gentleman, in complaining so much of the French for that very crime in which we ourselves were equally involved.

"The want of good faith had been alleged as a reason for not negociating with France. Mr. Whitbread said he should be glad to know if his majesty's ministers had always acted upon principles of good faith in their former negociations with that country? The right honourable gentleman had told the house that he feared they would have been successful ['No, no,' was repeated from the treasury bench]. Mr. Whitbread then corrected himself, by using the exact words of the right honourable gentlemen, and next proceeded to remark on the mission of lord Malmesbury to Paris.

"The jacobin government then existing was no obstacle to a negociation in the estimation of his lordship, or of those who sent him. He was not commissioned to insist on a renunciation upon their part of existing principles, or on acknowledgments tending to their own crimination. Yet without these essentials, these preliminaries, his lordship expected good faith on their part to any treaty that might have been concluded; otherwise his attempt at negociation could not have been sincere. But how did the present professions of ministers agree with this their past conduct? or how could the declaration of his majesty be at all justified, unless we clearly understand that even a jacobin government may be treated with on principles of reciprocal good faith? For his majesty, even at

a time when the country was elated by the victory of lord Duncan, had declared his pacific wishes to the French nation.

"Things, however, were now changed; and his majesty's ministers had abandoned the idea of treating with a jacobin government, though it had been before no interdicted thing; for his majesty had fairly and fully declared that he was ready to negociate with such a government. Two attempts were made to this effect; nor were the French to be justified for any share they might have in rendering them ineffectual.

"In the second negociation at Lisle one set of plenipotentiaries was recalled, and a more jacobinical set sent in their places: still no objection was started to further negociation; but his majesty declared in the face of all Europe that he was ready to conclude a treaty with them, if their overtures had been at all reconcilable to the honour and interests of his subjects and his allies.

"A revolution in France now puts in power one person instead of five. That person thinks proper to make overtures to his majesty; and this he does in a manner agreeable to the rights of civilized nations, and in no way incompatible with that respect which is due from one crowned head to another. In saying *crowned head*, Mr. Whitbread disclaimed every intention on his part of softening, by any terms, whatever crime attached to the first consul of France in his late assumption of power.

"His power, however attained, if once consolidated, must, he said, be respected as well as the most legitimate. But, as it now precariously stood, the house was called upon to consider on the propriety of negociation; to discountenance which many arguments had been drawn from the character of the first consul, who was represented both as an infractor of treaties, and an unprincipled blasphemer. Every topic that could revile, and every art that could blacken, had been resorted to, for the purposes of political slander; and he was very sorry to see that the intercepted correspondence, strengthened and embellished with notes, and, perhaps too, garbled, had made its appearance with a view to prejudice the country against the chief consul, and thereby to set at a distance every hope of a negociation for peace.

"It had been said by the right honourable gentleman, that

since Buonaparte had been known to mankind, in no one instance had he ever observed a treaty, or kept an armistice. But before attention was paid to such vague assertion, or the house came to any conclusion, they should turn their eyes to matter of fact. It was not general declamation alone that should influence persons to vote for the proposed address. If assertions had been made which were not true, the house should beware of reposing any further confidence in those who had misled them.

"It was well known that the preliminaries of Leoben were not broken, or the peace with Austria infringed, by Buonaparte; for before these events took place he had left Europe. Even by any influence in the councils of France he could not be supposed to have had a hand in the infractions of those treaties.

"The conduct of Buonaparte at Venice Mr. Whitbread did not attempt to defend, any more than he did that of Austria They were both alike culpable; and both, so far as their transactions at Venice went, equally worthy of being treated with. France at all times had been notorious for her want of faith in keeping treaties; but it was known also that other governments kept them no longer than they were found beneficial to them. England was now smarting under the treachery of Prussia, who took a subsidy from this country, and then ran away from her engagements. England, however, was said to be actuated by nobler views, and to respect and adhere firmly to treaties.

"Mr. Whitbread said he would put it to his majesty's ministers whether they had not endeavoured repeatedly to provoke Austria and Prussia to an infraction of their treaties? Their charity, he was afraid, in this instance began at home. This general charge of want of good faith he did not mean as any justification of the violation of treaties; but to shew that if ministers would treat with none but immaculate governments they could never expect to have an ally or friend. Another charge was brought against Buonaparte, namely, his conduct towards the Cisalpine republic. But this was totally unmerited on his part, as it was the entire act of the executive directory.

"The right honourable gentleman then came to the Egyptian expedition, whose detail was reported to be replete with horrors.

Mr. Whitbread said that before he would give credit to what was lately published concerning it in the intercepted letters, or form any judgment of the conduct of Buonaparte, he would beg to know if the documents laid before the public were given just as they were found; nothing kept back, and nothing modified, to answer any sinister purpose whatever? Waving this objection, however, he would take the letters just as they are; and, on an examination of them, he could not but charge the right honourable gentleman with some degree of inaccuracy in his statements.

"It was said that Buonaparte ordered general Kleber to negociate with the Porte, but to delay the completion of the treaty till such time as he should hear from France. The completion of the treaty was the evacuation of Egypt, which Kleber might very well have been told to delay, without any reasonable charge of treachery on the side of Buonaparte. It was said that he who could have invaded Egypt ought never to be treated with. To seize and colonize that country had always been a favourite scheme of the old government of France. The only difference, therefore, between the two is, that the new government of France had executed what the old one had only planned.

"Treachery of that kind, however, was not confined to France: for Prussia could seize Silesia; and three of the first powers of Europe, while England was a tame spectator, could divide and appropriate to themselves the unfortunate kingdom of Poland. Yet Austria and Russia, the chief agents in this transaction, are still our good and true allies; and with this contradiction staring them in the faces, ministers refuse to treat with one whom they deem treacherous and unjust.

"Buonaparte is full as good as they are: if he has broken treaties, so have they; if he has killed his ten thousands, Suwarrow also has killed his ten thousands.

"The right honourable gentleman had said what he wished to be the result of the war; it was the reinstatement of the Bourbon family on the throne of France, and for this England was to be drained of her blood and treasure. If the conduct of Buonaparte was to be fairly considered, he might appear much more worthy of confidence than was generally supposed. His letter to his ma-

jesty was full of good sense; equally free both from republican familiarity and courtly adulation. Preparatory to any negociation the right honourable gentleman seemed to suppose that it is necessary for Buonaparte to renounce all the principles of the former French governments. This was completely done. He had said that his majesty ruled in the hearts of his subjects; and had changed his address entirely from the republican mode. This certainly was a tacit renunciation of the principles of his predecessors; and as much as could be expected from the governor of a great nation.

"The perfidy of Buonaparte had been discerned in his attempt to make a separate peace; but this disposition did not appear in the letters on the table. There was not one expression which could lead to suppose that he was less willing to treat with the allies of England than with England herself; and perhaps, had his first dispatches been received with any reasonable consideration, the next courier sent by Buonaparte would have brought over his proposals for treating with those allies.

"Pacification now seemed to be the wish of Buonaparte: this the whole tenor of his correspondence amply testified; and the forcible expressions he had made use of, though indirect, sufficiently proved that he meant to include our allies. All the arguments, therefore, drawn from a contrary supposition, to set aside a negociation for peace, must be suspected of being rather unsound and fallacious. But let it be supposed that while we refuse to negociate (said Mr. Whitbread) our enemies act a contrary part, and seize the moment of pacific overture from Buonaparte. What then would be the consequence? We should be left to negociate, at some future time, on grounds far less advantageous than the present. The right honourable gentleman seemed to forget the humiliating circumstances of a former negociation, the necessity of which was dictated by a desertion of our allies. Such an event might happen again; and how far it was prudent to submit the country to such a contingency the house were then to judge.

"The present government of France had met the unlimited, unqualified abuse of the right honourable gentleman: it was unworthy of all confidence; there could be no security in its most solemn treaties; but the question still recurred, How could we

treat with a former government stained with the same crimes, and chargeable with the same levity of councils? The restoration of the ancient line of princes was a desirable event. What, therefore, was asked of Buonaparte? or what had ministers, in their communications with him, endeavoured to exact preparatory to a negociation for peace? That Buonaparte should acknowledge himself an usurper, recant his principles, and descend from the throne that he now fills, to accommodate a branch of the family of Bourbon! Such was the very modest desire of ministers, and what, no doubt, their sincerity had led them to suppose the chief consul would comply with. But was it really the wish of the people of England to lavish their blood and treasure to restore to the throne of France the family of Bourbon? There were, he knew, some fanatics who would contend for this; but he hoped their numbers were few. The majority of the people, he believed, possessed better sense, and would wish to fight in a better cause.

"The right honourable gentleman carried his veneration of the ancient royal family of France to an extravagant length, by an endeavour to palliate their crimes: if they were perfidious, their perfidy was of a noble kind; if ambitious, their ambition was of the most sublime nature. Mr. Whitbread asked, if the right honourable gentleman had forgotten the conduct of Louis the Fourteenth in his seizure of Holland, and the perfidy of the Bourbon family during the American war, by which a whole continent was separated from its mother-state? It was from the perfidy of this family that the revolution itself might take its date. Louis XIV. had acted the part of the most cruel tyrant, in his persecuting for religion, and extirpating, by the revocation of the edict of Nantes, so many thousands of his best subjects. By such means were the affections of its subjects alienated from the Bourbon family; and was it the duty of this country to reverse the penalties they chose to inflict upon it? Could it be supposed that it was the duty of Englishmen to restore a banished king to his throne, or the pope to his tiara?

"Mr. Whitbread then insisted that we were now contending either for one or other of these two things: to reinstate a Bourbon on the throne, or to exterminate the rest of those persons in

France who held jacobinical principles. If the former supposition was true, we were fighting, he thought, for an unattainable object, and the contest must be endless; if for the latter, we were fighting for an opinion; and both were equally absurd. Buonaparte himself had done more to ruin jacobinism than any other person, by taking all the executive authority into his own hands, destroying clubs, and repressing the licentiousness of the press. That great organ of sedition was now laid asleep. Buonaparte well knew that till that was done his situation could not be secure. It was denied that the war was continued to reinstate the family of Bourbon, however desirable such an event: the destruction of jacobinism was already accomplished, for what then, it might be asked, was the war continued? Till Buonaparte had consolidated his power, and was able and willing to maintain his engagements. To some indefinite time, therefore, we were to go on, amidst all the calamities and expences of hostilities. The farce of Lisle was to be repeated over and over again; as we found ourselves distressed, we were to sue for negociations, receive some new insult, get the national spirit roused, and fight with redoubled vigour.

"The letter of Talleyrand had been urged as an apology for that of lord Grenville. But if the first was objectionable, the second was respectful. It came in the way also which the forms of our government required; neither did it contain one offensive expression. Such was the apparent sincerity of the present French government. They would negociate if we would let them. So unexceptionable had their conduct been, that arguments drawn by lord Grenville from the first letter were forced to be employed to answer a second, and a very different one. A complete negative, however, we are told, is not given to the overtures of Buonaparte for peace; and so far as this was the case it might be fortunate for the country.

"Before, however, any decision was made on the present question, the house should consider the relative situation of this country with her allies. The allies do not appear to enter at all into each other's views; there seems to be no regular point of union between them, no community of interests. One of the

coalitions against France had already failed; and a single fortunate event on the side of France might occasion a second dissolution of such heterogeneous materials. Austria did not pretend to have any communication or connection with us; she had even refused our subsidies. The emperor of Russia had declared *ipso facto* for the restoration of royalty in France. England could not say quite so much on this subject, however it might be an object of her wishes. On this point it appeared to him that Russia was deceived; and we were also deceived with respect to the cordiality existing between Austria and Russia. In the foreign papers one party blamed the other for its want of success in the latter part of the last campaign. No treaty existed between them that bound them to any one point, or united them in one system; but they were all moving in irregular orbits.

"Between Russia and England there could be no common cause. The alliance between Russia and the Porte was but a rope of sand. The emperor of Russia evidently wished to aggrandise himself at the expence of the Porte. Could it be supposed, therefore, that the allies would ever act in any kind of concert, as one man? And without this, combined operations could not well be successful. Mr. Whitbread then brought to the recollection of the house the case of America, which had been insulted by France, and every thing at one time bore the appearance of hostility; yet the president of that country had pursued a line of conduct very different from what we had done, by appointing a person to negociate between the two countries. This conduct the ministers of this country might have adopted; its salvation, he thought, depended upon it. The member for Bedford concluded by saying that, under our present circumstances, we ought not to refuse the proposals of Buonaparte for a general pacification; and that it was the interest of this country that a peace should be concluded as speedily as possible."

Mr. Whitbread had now acquired a high character for talents and integrity. His exertions in the cause of his country, his large fortune, his zeal, stimulated into exertion by existing abuses, and at the same time

moderated by good sense, the bounds of which it had never overstepped; all these considerations had obtained for him a high reputation. Clients, in the original sense of the term, were not wanting. Applications for redress were received from all parts of the empire; and now that the fervour of political violence has ceased, it will perhaps be readily conceded by liberal men, that the bounds not only of law, but of justice, were occasionally violated at this period.

In respect to cases of this kind we shall only mention two, in both of which Mr. Whitbread took the lead. The one was that of the reverend Fyshe Palmer, who with Skirving, Muir, and Gerald, was driven into exile for exercising the right of uttering those very opinions, the popularity of which had procured for the premier of that day the exalted station which he then held; and finally led, in the course of events, to his apotheosis. The other was that of Mr. Morison, a respectable farmer in the county of Banff, who, without the commission of any known crime, and on the slightest, as well as most contemptible, evidence, of a *remote possibility of disloyalty*, stood a great chance of being cut off from the common intercourse of society; and, in case of invasion, was destined to have become a prisoner, perhaps a victim!

In the former instance the horrors of captivity were not softened; but in the latter a great officer of the crown, if not overcome, was at least put to shame; and although he escaped punishment under

the shelter of the *previous question*, yet he soon after retired from the political arena, and ceased to remain a member of the legislature.

In the course of a few years many new and singular events occurred. Mr. Pitt and his colleagues withdrew suddenly from office; and knowing that they possessed but little popularity, were never at the trouble of assigning their reasons for a measure which still appears mysterious. Meanwhile Mr. Addington having leaped with a single bound from the speaker's chair to the treasury-bench, became minister; and as he professed himself a friend to economy, a fruitful crop of abuses presented themselves. Those in the naval* department alone at once excited the attention and the indignation of the nation. Nine previous reports by the commissioners† were treated with great attention. But the tenth, which implicated the right honourable Henry

* The mismanagement of the affairs of the navy has been a subject of frequent complaint in parliament: it is not a little remarkable, that, on the 4th of July, 1711, the house of commons made a complaint to queen Anne, similar in many respects to that so recently exhibited. "With regard to the debt of the navy, we find that one great discouragement and burden which that part of the service has lain under, has been from a liberty that has been used of *diverting* several sums issued to that service, and transferring them to other purposes, for which they were not intended," &c.

This circumstance does not appear to have been noticed in any of the debates.

† Ch. M. Pole, Evan Law, John Ford, H. Nichols, and W. Mackworth Praed, esqrs.

Dundas, then lord Melville, who had by this time returned once more to power, under the auspices of Mr. Pitt, fixed the attention of the public, who contemplated the conduct of that nobleman with a degree of earnestness that had seldom been witnessed before. Indeed, on many accounts, he was far from being popular. He had been one of the most zealous for the prosecution of the American war; he was said to have been the chief cause of the continuance of the slave-trade; and he had, on all occasions, been the decided enemy of constitutional reform. However true or false these accusations may have been, the truth is, he was not generally beloved in the *southern* portion of the kingdom; and as it was well known that peculation existed somewhere, the nation called aloud for punishment. It was on this occasion that a man of an undaunted mind and unimpeachable character stood forth his accuser.

On the 8th of April, 1805, Mr. Whitbread rose in his place, and observed,

"That it had been his intention to move that the tenth report be considered by a committee of the whole house; but for the sake of more ample discussion he would rather propose certain precise resolutions. The commission had originated with a board of admiralty, at whose head was placed earl St. Vincent, who had so successfully fought the battles of his country, and would now, he trusted, be no less successful in combating and bringing to light its secret enemies, and those hidden mines of corruption which preyed on its vitals. The commissioners appointed to that inquiry were most honourable men, who had evinced their integrity and firmness in the execution of the trust reposed in them. Little had been done, however, on their various reports. If they were opposed by numerous difficulties, and attacked by insinua-

tions, they more deserved the gratitude of the public for their perseverance. It was his duty to bring to justice the delinquents detected by that board; but at present he would confine himself to the principal object of the tenth report. The house would have little doubt that lord Melville had flagrantly violated the law, by conniving at certain practices, and participating in the emolument; for which he deserved censure, and which, he trusted, would be followed up by an adequate punishment.

"Besides this nobleman, Mr. Trotter, Mr. Wilson, and Mr. Sprott, were implicated. It was also an imputation against the bank of England, that they had acted improperly in paying certain drafts; and to the chancellor of the exchequer was imputed the blame that he had taken no steps to correct the abuses which had appeared years ago. All these would be subjects of future consideration.

"In conducting the charge against lord Melville, a man who had held so many high and important offices, he would act with due moderation and temper, but with the firmness becoming the importance of the subject.

"At the end of the American war certain resolutions were made on the reports of the commissioners for investigating the public accounts, for preventing the treasurer of the navy from applying any sum in hand to any private purpose, or to divert it to any other public purpose, and that in consequence he and the principal clerks should be paid certain salaries. The charge against the noble lord was, that he had violated these resolutions. Mr. Barre, who was in office at the time of passing these resolutions, received a salary of four thousand pounds as a compensation for the use of money, and in lieu of all fees and emoluments whatsoever; and it was proved that, since the act of parliament, neither he, nor any of the subsequent treasurers (except lord Melville), had made improper use of one sixpence. Lord Melville succeeded Mr. Barre; and where his lordship kept the money in his first treasurership did not appear. He again was appointed to the office; and held it from January 1785 till June 1800.

"In 1785 the chancellor of the exchequer brought in a bill for regulating and reforming the office of treasurer of the navy, which

lord Melville himself carried through the house; and which was so scrupulously worded, that the most ingenious lawyer would not be able to torture or twist it. In the first instance the execution of this reformation was postponed six months; and there were at least strong grounds to suppose this delay was for lord Melville's private emolument. The charges to which he should now confine himself against lord Melville were, his appropriation of the public money in breach of the law, and his connivance in peculation with an individual who was his servant. Such accusations against men high in office were rare, but not without precedent. It will be remembered with what severity the noble lord himself had charged sir Thomas Rumbold with offences of a similar nature. In this case the commissioners found that the noble lord had acted contrary to law; and that there were deficiencies against him to the amount of six hundred and ninety-seven thousand five hundred pounds. Where he had occasion to introduce Mr. Trotter, it was to be understood with a view of criminating his principal.

"The report was said to be *ex parte*; but it appeared that the parties had every opportunity of stating the truth, and even of amending the evidence they had given. On the contrary, these gentlemen had sheltered themselves under the fifth clause of the act; which, in his opinion, strongly evinced a sentiment of guilt. Mr. Trotter allowed that large sums of money had been taken out to his own private account, but that he could not tell how the deficiencies arose. It was afterwards discovered that the sums deposited in the bank had been drawn from thence, placed with private bankers, and applied to other than naval services.

"Lord Melville being called to explain his transactions with Trotter, stated that he had burnt all his papers; a most extraordinary act in a man so accustomed to business. Mr. Long, it appeared, had received from him money to be disposed of to another branch of service. Suppose he had not been able to replace it, what was lord Melville's situation? At any rate this appropriation was a direct violation of the act. The honourable gentleman then traced the conduct of lord Melville and Mr. Trotter through the several heads of connivance and participa-

tion; and blamed, in very forcible terms, the appropriation of the public money to the purchase of bank stock, India stock, navy bills, &c. as clearly made out by the report. He next adverted to the examination of the several treasurers of the navy, antecedent and posterior to lord Melville, who on being asked whether they had derived any profit or advantage from the use of the money impressed to their hands, had uniformly replied No; but when the question was put to his lordship, he said he would not tell. What was this, said the honourable member, but the strongest presumption of guilt? for had the fact been otherwise, the noble lord would have boldly spoken out, as his fellows in office, and answered No. He concluded by moving a string of resolutions, the substance of which was as follows:

"First. That the house of commons, in the year 1782, came to certain regulations respecting the treasurer of the navy, prohibiting him from keeping any balances of the public moneys in his hands, and fixing a permanent and increased salary in lieu of fees and emoluments. Likewise prohibiting any paymaster or treasurer of the navy from making use of the public money, or directly or indirectly applying the same to his own personal advantage or private emolument; and further, that the house was of opinion that the naval commissioners had acted with honour to themselves, with benefit to the community, and in a way calculated to insure the prosperity of the kingdom.

"Secondly. That in the month of June, 1782, the salary of the treasurer of the navy was increased to four thousand pounds per annum.

"Thirdly. That the resolutions above recited were strictly complied with by Mr. Barre; who, it appeared, had not derived any emolument or advantage from the public money: neither had Mr. Douglas, the subaccountant.

"Fourthly. That on the 19th of August, 1782, Mr. Henry Dundas succeeded to the office of treasurer of the navy, with a fresh increase of salary.

"Fifthly. That he continued in office till 1783; and that on being asked by the naval commissioners, whether during that time he had made use of the public money for purposes of private

emolument, he had declined to answer the question; but in a letter, subsequently written, he had stated that he did *not* derive any personal advantage from the public money.

"Sixthly. That lord Bayning held the office after that period, and did not apply the public money to private advantage.

"Seventhly. That on the 5th of June, 1784, Mr. Henry Dundas again came into the office of treasurer of the navy.

"Eighthly. That in 1785 an act passed, regulating the sums of money placed at the disposal of the treasurer of the navy, that the same be lodged in the bank of England, &c.

"Ninthly. That since that time large sums of the public money have been drawn out of the bank, and placed at a private banker's; that the regulations of the act have been scandalously evaded; and that the public money had been employed in discounting bills, lent upon interest, and made use of for private advantage and emolument.

"Tenthly. That Mr. Trotter acted as subaccountant under lord Melville; and his lordship having been privy to the illegal application of the public money, and having connived at it, had been guilty of a gross violation of the law.

"Eleventhly. That large sums of the public money, set apart for the uses of the navy, had been applied to other services, for which no documents or vouchers were in existence. And,

"Twelfthly and lastly. That lord Melville, in so applying the public money, had acted in a manner inconsistent with his duty, incompatible with the regulations of that house, and in direct violation of the act regulating his conduct."

These resolutions were strenuously and powerfully opposed by Mr. Pitt, who was supported by Mr. Canning, the attorney-general, and the master of the rolls; while Mr. Tierney, lord Henry Petty, Mr. Wilberforce, &c. spoke against the previous question. At length, on a division, the numbers proved exactly equal, there being two hundred and sixteen on each side: but the minister's motion, by

which it had been intended to put an end to all inquiry, was negatived by the speaker's vote. On this the member for Bedford moved an address to his majesty "for removing lord Melville from his councils;" and Mr. Pitt having signified a wish to adjourn until next Wednesday, Mr. Fox expressed his assent, "provided it was understood that the house should not sit in the interval, else he could not consent to a proposition which would furnish the chance of meeting again without having taken any step to remove a *disgraced administration!*"

A few days after, Mr. Pitt announced that lord Melville had tendered his resignation as first lord of the admiralty, which his majesty had been graciously pleased to accept.

Mr. Whitbread on this said, "the intimation now given would by no means prevent his submitting the proposition, of which he had given notice on a former night. Were this object of a mere personal nature to injure the feelings of lord Melville, he and his friends would have felt their triumph already sufficient; as far as individual humiliation could extend, it was indeed complete. But the cause he advocated was superior to all petty or party considerations; it was the cause of public justice, which demanded, as a tribute necessary to the dignity of the country, to the satisfaction of the people, and to the consistence of this house, that the return of lord Melville to power should be rendered impossible.

"The event of the former debate was glorious to the house, and gratifying to the country in the highest degree. The general voice, nay the looks of all ranks, bespoke the joy of the people, and their gratitude to their representatives. The balance being equal, the speaker, with dignified justice, gave his vote in favour of the resolutions. It was the general opinion of the persons with whom he had the honour to act, as well as many usually on the opposite side, that farther and more effectual proceedings should

be had against lord Melville. At present the object of his motion would be to deprive him of every office he holds during pleasure, and dismiss him from his majesty's council and presence for ever.

"Mr. Whitbread then stated, that he should immediately after the holidays move, that the attorney-general be directed to take measures against lord Melville and Mr. Trotter, to compel these delinquents to give an account of the moneys they have had, and to refund the profits obtained through the misapplication of the public money.

"There were other mysterious points connected with the tenth report, an inquiry into which he intended to move for.

"The right honourable gentleman opposite had acknowledged his being a party to one transaction by which the act was violated, in the appropriation of the navy money to other services. To inquire into this, and various other topics, he should move for the appointment of a select committee. As to the imputation against the bank, part of that appeared to have arisen from a mistake of the evidence of the cashier. If so, the imputation should not be suffered to remain; a further examination should be instituted. The right honourable gentleman would also have an opportunity of disproving the general understanding, that the irregular manner in which the money was drawn by Trotter was with his knowledge, and without his ever attempting to put a stop to it. If he did not, serious proceedings must also be taken against him.

"The case of Jellicoe also would deserve the particular consideration of the committee; in this the lords of the treasury were said to be implicated with lord Melville, they having, it is believed, granted lord Melville a release from this debt very improperly.

"But the principal question for the committee to inquire into would be the participation of profits in his office of treasurer of the navy; an office which, of all the numerous ones he held, seems particularly to have been his favourite.

"Lord Melville at his last re-entrance into administration, not contented to hold an office second in rank, power, and patronage, in the country, had obtained an addition of fifteen hun-

dred pounds a year to the revenue of a patent place held by him in Scotland. Lady Melville also, whose merits were not before the house, received a grant out of the public money; a grant made in a very clandestine and suspicious manner: and this, as well as the fifteen hundred pounds a year, deserved inquiry into.

"The honourable member, after repeating the opinion that he had good grounds for believing that a decisive majority concurred with him as to the necessity of this measure, concluded by moving, 'That an humble address should be presented to his majesty, praying that he would be graciously pleased to dismiss lord Melville from all offices held by him during pleasure, and also from his council and presence for ever.'"

This motion, however, was withdrawn, at the suggestion of several of his friends; but a vote having been passed, "that the former resolutions be laid before his majesty," and also, "that they be carried up by the whole house," he was pleased to order the name of viscount Melville to be struck out of the list of privy counsellors.

A few days after a committee was nominated for the express purpose of reporting on the matter before the commons; and on the 11th of June viscount Melville himself, having been admitted within the body of the house, and accommodated with a chair, entered into an elaborate investigation and defence. When he had retired, Mr. Whitbread rose, and expressed himself nearly as follows:

"He observed, that it must have given great satisfaction to the house that the noble lord, who was the subject of the accusation that had been brought forward by him, and against whom the house had passed resolutions of censure, had taken this opportunity of being heard on the charges against him. It would afford himself complete pleasure, if it were compatible with the forms of the house, that the noble lord could be pre-

sent to answer such arguments as it was his intention to urge on this subject. The noble lord, after having stated in the strongest terms his innocence, had expressed his expectation that posterity would do him justice. But it was impossible for the house to take, on this occasion, the assertions of the noble lord, which were contrary to his own testimony on oath, and to the declarations of others also under a similar sanction. If the noble lord was willing even to go on his trial, he had stated that there was no competent tribunal in the country to try him. It was impossible for him to be tried on an impeachment before his peers, because some of them had already prejudged his case; and no impartial jury could be found in the country, because their minds had been contaminated against him. So that, according to the statement of the noble lord, there was not a single individual in the whole country competent to try him. Towards the close of his speech the noble lord had said, that the former proceedings adopted by vote of the house, were inconsistent with the motion he proposed to make that night; but he denied the assertion.

"He called upon the learned gentleman opposite (the attorney-general) to watch all that should fall from him on this subject, and to correct him if he should be wrong; and he repeated, that not one of their former proceedings was inconsistent with the motion which he should have the honour of submitting to the house that night. The noble lord had alluded to something that had fallen from the present treasurer of the navy on a former occasion. The right honourable gentleman had very unnecessarily put a question to him, when he first gave notice of his motion of this night, whether in bringing the motion forward he acted as the organ of the committee? The right honourable gentleman knew full well that he was not the organ of the committee; and he had not himself let fall a single expression that could lead any gentleman to suppose that he was. If there were to be any organ of the committee it must unquestionably have been the chairman. But though the question was put without necessity, it might not have been put without design. It might have been put for the purpose of intimating that the motion had been brought forward against the sense of the committee. The committee, however, had not

come to any decision or resolution on the subject; and, as a member of that committee, he looked upon himself as justified in submitting to the house of commons a motion, such as he had given notice of, founded on the report of the committee to that house of commons which had, with so much honour to themselves, voted the resolutions of the 8th and 10th April.

"The first proceeding that ensued was a motion for a committee to inquire into the matter of the tenth report, after which a civil process had been proposed. The committee was agreed to, but under such restrictions as rendered their inquiry of little avail, as was afterwards proved, and he had then predicted. When the motion was made for instituting a civil suit against the parties, an amendment had been proposed, in order to substitute a criminal prosecution; but the civil suit had been preferred.

"Did the civil suit preclude a criminal prosecution? And what would be the consequence if such a doctrine were to be admitted? The crown might thereby at any time defeat the ends of justice, and shelter a public delinquent from an impeachment, by directing a civil suit to be commenced against him. But were there never in fact two suits, one civil and the other criminal, carried on against the same individual? Whenever the offence was so atrocious as to call for exemplary chastisement, a civil action took place for the recovery of the money, and a criminal prosecution for the punishment of the offender.

"Notwithstanding all that had been said by the noble lord, he could not consider, nor could the house, nor would the country consider, that the bare recovery of the money would be a sufficient satisfaction or punishment in the present case. If it were not consistent, however, to commence a criminal prosecution whilst a civil suit was depending, what was the house to do? Why, to cut the knot they could not untie, to abandon the civil suit which had been commenced, and to institute the criminal prosecution, which alone could lead to an adequate punishment of his delinquency. There was, however, another course that might be adopted, to suspend the civil suit till the criminal prosecution should be brought to a termination. But, said the noble lord, will you place me, by adopting the motion to be submitted to you, in a

situation in which no man was ever placed? Will you subject me to the judgment of several jurisdictions at the same time, so that the evidence taken in one court might be produced in another to influence its decision? What was the situation of Mr. Hastings? When the impeachment was brought against him, a civil suit was also pending against him in the court of chancery, at the suit of an individual. What did my lord Loughborough on this occasion? He directed the suit to be suspended till the impeachment should be decided. This was exactly what he proposed; and he was inclined to think that the honourable and learned gentleman opposite (the attorney-general) had not made such progress in the suit, and that no evidence had yet been produced in that cause, which would be detrimental to the noble lord if produced on the impeachment.

"With regard to the latter part of the noble lord's speech, in which he had appealed to the feelings of the house, he was as much alive as any honourable gentleman to the force of it. He was not insensible to the feelings of the noble lord's family or relatives as to the degraded state in which the noble lord had represented himself as placed. He felt unfeigned sorrow and regret on the occasion; but was it consistent with his public duty to shrink from the prosecution of measures which he deemed essential to the public welfare in obedience to such feelings? The situation of the noble lord was the same as that of all great public delinquents. As to the defence which the noble lord had thought proper to make, so far was he from thinking it a justification, that, in his opinion, it furnished additional documents, aggravating even those parts of his case on which the house of commons had already voted condemnation. The noble lord has said that he was already punished. How? The resolutions were voted against him; and on the same night a motion made for an address for his removal from office, which was not agreed to. The noble lord then resigned, the right honourable gentleman opposite suffering him to withdraw himself from the vote of the house. When notice had been given of a motion for an address for his removal from his majesty's councils, the right honourable gentleman again withdrew him from the vengeance of the house. So that it was

not in consequence of a vote of that house, but of the advice of the right honourable gentleman, though he had before stated his intention not to give such advice to his majesty, that the noble lord had been struck out of the list of privy counsellors.

"The additional circumstances that had now come out with respect to the tenth report, rendered it impossible for the house not to adopt the impeachment, or some criminal prosecution. It might be said that the committee had no power to investigate the question of participation; and he admitted that no such power was delegated to them, and that they had no intention of going into it. But the matter came before them incidentally, so as to warrant him in charging upon lord Melville that he did participate; and it would have been a dereliction of duty in them on such a case not to have done so. To reduce the question to the analogy with private life. Suppose a gentleman employed a solicitor to settle the books of his agent, and, not suspecting the integrity of the agent, told the solicitor he need not inquire very closely into the accounts, as he was convinced of the man's honesty. If the solicitor should discover traces of corruption in the accounts, would he not be bound to report them to his employer?

"So the committee, when incidentally made acquainted with these circumstances, felt themselves bound to report them to the house; and when they are laid before the house, what course was to be taken but by impeachment? They were yet but on the brink and verge of the discoveries that would be made. They might judge of what was to come by what had been already found out; as a giant's stature might be judged of by the paring of his nails. He called on the house, therefore, to vote for the impeachment of the noble lord on three distinct grounds: First, On the ground of his connivance at a breach, and of a high breach, of duty. Second, On the ground of his participation with Mr. Trotter; and further, on his having obtained, under fraudulent pretexts, a release for certain sums of money due of the late Mr. Adam Jellicoe. As to the first, the house of commons has declared that the noble lord has been guilty of an evasion of the law, which the noble lord denied, admitting, however, the breach of duty, though not a gross one.

"But he contended that the noble lord has committed a breach both of the law and of his duty. He should not take up the time of the house by noticing the observations of the noble lord on the resolutions, but should come directly to the charge. It appeared first, that Mr. Trotter had an unlimited power of drawing the money voted for navy services to any amount from the bank. He drew at one time a million; and might draw, as he perhaps sometimes had done, all that was in the bank. This was one of the grand charges against lord Melville, that by conniving at this practice he suffered the money to be carried beyond his controul; for when once lodged in the bank of Messrs. Coutts, it might be applied by them as they pleased. What was added to this by the report of the select committee? That the power which lord Melville had given to Mr. Trotter had been delegated by this latter, on his going to Scotland, to Mr. Wilson, to whom he left blank drafts: so that neither having a controul over the other, the practice might be continued through all the clerks in the office, and the dangers to the public treasury multiplied.

"The noble lord had said that till this day he had not had an opportunity of being heard on the charges against him. Had he not been examined upon oath before the commissioners of naval inquiry? If he wished to be heard before the house, he should have written to the speaker to that effect when the tenth report had been laid on the table. He wrote to the commissioners to be re-examined, but they declined, having made their report to all the branches of the legislature. Did he then write to the speaker to be heard? No. But his letter to the commissioners was laid on the table, as containing a full justification. No charge of participation had been made before this occasion; and the defence of the noble lord had strengthened the impression on his mind. The noble lord had stated that the bill for regulating the machinery of the office was less perfect than the army pay-office bill. But if it had not been adequate to its purpose, who was to blame? If he neglected to bring in a bill for the amendment of his bill when he found it defective, had not the public cause to accuse the noble lord of inattention to his duty? With regard to Mr. Trotter, through whose agency the whole business had

been conducted, had the noble lord represented him as a person not to be credited? It had been stated by the noble lord that the money had been drawn in small sums from the bank; and yet in the absence of Mr. Trotter in Scotland forty thousand pounds had been drawn by Mr. Wilson; and the person by whose desire that sum had been drawn stated the drafts to have been for small sums.

"The noble lord had made an extraordinary assertion relative to the participation of Mr. Trotter, which he accounted for from his being a Scotchman, namely, that as it was customary in Scotland for persons lodging money in the bank to be allowed some share of the interest arising upon it, he derived the same advantage from the money he lodged at Coutts's. No such practice obtained in this country; and the noble lord and Mr. Trotter had lived long enough in England to know some allowance was made on extraordinary transactions, upon leaving large balances in a banker's hands, but none at all in small sums.

"The noble lord had said that he never saw Mr. Trotter's accounts with Messrs. Coutts till he saw the report; and if Mr. Trotter had deceived lord Melville in this instance, whatever may have been the merit of his suggestions which led to the bills for the better protection of the property and claims of seamen, all of which were good, he ought not to have been continued in his situation. The noble lord had said that if Mr. Trotter had been asked in this or that manner he would have answered fully. But the fact was, that Mr. Trotter had been asked in a variety of ways whether lord Melville had participated, to which he would give no answer.

"As to the excuse of the mixed account, was any man so credulous as to believe that the proportions might not have been immediately ascertained, of the different funds constituting it, by simple subtraction? If Mr. Trotter's books and Messrs. Coutts' books had been lost, yet Messrs. Coutts (remembering the aggregate sum due to Mr. Trotter to have been five hundred thousand pounds, though they might not recollect the items that made up that aggregate), by inquiring of the different sub-accountants their respective balances, it might have been ascertained

how much of that aggregate was public, and how much was private.

"The whole of Mr. Trotter's funds must have been public money, or derived from the misapplication of public money. He had been recommended to lord Melville, and appointed to a place with a salary of five hundred pounds a year; and it was impossible with such means he could have had money to lend to such amount, if not derived from the use of the public money. The noble lord had said that the money had been drawn from the bank only for navy services: if that were the case, it might have been safer to keep it in a private bank than in the hands of the accountants. But then why not amend the bill? The noble lord had revived an argument which he was surprised to hear, because it had been abandoned by every one else, that neither loss had accrued to the public, nor delay occurred in any payment; and he was therefore ashamed to take up the time of the house by considering such an argument.

"The act, when brought on by the right honourable gentleman (Mr. Pitt), had been represented as calculated to remedy all the defects in the office; and the person who was to succeed to the office as the most fit for it. Before he should examine whether any particular loss had been sustained by the public, or whether the noble lord had participated with Mr. Trotter, he wished to advert to one circumstance; the increase of salary to lord Melville of two thousand pounds per annum, being in consideration of lodging the navy service money in the bank of England, and giving up the use of it, was for sixteen years lost to the public, as the money had not been left in the bank. There was another circumstance also which he wished to advert to before he came to consider the question of participation. The noble lord had said that there were only two persons, himself and Mr. Trotter, who were acquainted with the transactions. Was the noble lord ignorant that Mr. Trotter had refused to answer before the commissioners of naval inquiry? That he had been several times examined before the committee, and refused to answer whether Mr. Tierney had participated; and then, after three days consideration, he had returned with a written statement, admitting that he

had only advanced from ten to twenty thousand pounds to lord Melville; and that Mr. Tierney, as every body knew, had derived no profit from the use of the public money?

"He had afterwards repeated the same information before the select committee, which the noble lord had not contradicted; as he had proceeded by degrees in his evidence, there was reason to think that when properly roused he would give more. From what had appeared before the select committee there were additional grounds to suspect the noble lord of participation. Were not his confidence in Mr. Trotter, and the refusal of Mr. Trotter to answer, a strong presumption of participation? And was that presumption lessened by the habitual mode of expression of the noble lord? He was more than ever inclined to suspect that the noble lord had participated. It was a presumption, too, that as Mr. Trotter could have none but public money, and lord Melville borrowed from him, he had participated. When his lordship had declared that he had not knowingly participated, he was not aware that a balance of five thousand pounds had remained in his hands from his ex-treasurership, which had not been paid till within this few weeks. Another strong presumption was, that his lordship had never mentioned the practice in the office to the commissioners of accounts in 1786, nor the committee of finances in 1796. Another strong presumption arose from the destruction of books of accounts, which did not belong to the parties only, but were also the property of the public, and would have been preserved, if not destroyed for the purpose of defeating inquiry. His lordship had stated, in his letter to the commissioners, that he had been in the occasional habit of destroying useless papers; and yet, what appeared to be an inconsistency on the face of it, he informed them that he had no documents for making out the account they desired.

"Amongst the aggravations that had been brought to light in the select committee, it had appeared that larger advances than were before known had been made to his lordship without interest; and yet his lordship had unblushingly told them that he would never reveal the application of some of these advances. Before the select committee Mr. Trotter had confessed that the

books had been destroyed, in conformity to a release executed between him and lord Melville. The noble lord had said much of this release; but his suspicion had been strengthened by it. It was not till he had been two years out of office that the thought struck Mr. Trotter that such a release was necessary. In the interval between the appointment of the commission of naval inquiry, and the signing of the release on the 18th of February, a precept had been issued by the commissioners of inquiry on the 17th of January, for an account of the balances in the navy office. The noble lord had denied having given any instructions for preparing such a deed; but Mr. Spottiswood had been agent for both parties, and knew what course the nature of their transactions required. In the common-sense view of it, he agreed that the clause for the destruction of papers was nonsensical; yet after the release was executed, the sympathetic conflagration took place here and in Scotland.

"The noble lord had stated the clause to be in the common form; but he appealed to the honourable and learned gentleman opposite, and to every man acquainted with it, whether it was so. They had examined Mr. Spottiswood, and Mr. Robinson, his partner, and they knew nothing of such clauses. Mr. Innes, a Scots gentleman, whom they had also examined, stated, that a clause for giving up vouchers was usual in Scotland, but never for their destruction. Was not that overstrained anxiety to conceal the transaction a presumption of guilt? These were the circumstances that had appeared before the select committee to strengthen the presumption of his participation. There was another new circumstance also which had come out before that committee, and afforded a strong presumption of his lordship's guilt.

"He was the more disposed to state this circumstance, as it came out in evidence before the committee, inasmuch as it exonerated the right honourable gentleman opposite (the chancellor of the exchequer) from any knowledge of private emolument having been derived from the use of public money. But it was therefore the greater aggravation of the guilt of lord Melville, who had been that right honourable gentleman's brother-minister, who had been the confidential friend of that right honourable gentle-

man, to whom the administration of the finances of the country was intrusted, and who nevertheless had concealed from him this criminal practice, which that right honourable gentleman had declared he would have put a stop to if he knew of it.

"The noble lord had told that right honourable gentleman, as he had done the commissioners, that the money was drawn and lodged in a private banker's for safety; but that he believed the drafts were not increased beyond what the service required. He could not but think, however, that that right honourable gentleman had been deficient in duty, in not having inquired further into the business. He had too much confidence in the noble lord, and had been betrayed by his friend. What had lord Harrowby said when asked whether he knew of any abuses in the office? That he had not inquired, because the office had been regulated by various acts of parliament brought in by his immediate predecessor; and having been a member of the committee in 1797, he had no reason to suppose any abuses existed. The right honourable gentleman (Mr. Pitt) had said before the committee, that he did not think lord Melville adverted to the act, or thought the practice illegal. The noble lord adverted to the infirmity of Mr. Trotter's memory; and that was one reason why the documents ought to have been preserved. The right honourable gentleman himself, who was one of the brightest stars amongst those whose talents and oratory rendered them eminent in the world; he whose prodigious powers of recollection could command transactions and events of distant periods, and bring them to bear on the question immediately under discussion; even he, in time of need, could not draw upon his memory for occurrences that had taken place within a few years back. He could not recollect, not having made any written memorandum of the conversation. These circumstances, and particularly this new circumstance, aggravated the guilt; and if on a trial the noble lord were to challenge every juryman, and select his own twelve men, it would be impossible for them not to convict him. The evidence was circumstantial; but there were no circumstances that might not be overturned by a fact. He did not call for conviction on circumstances; but that the noble lord should be put upon his trial, when his lordship

would have an opportunity of disproving those facts, which he would pledge himself to substantiate. The honourable gentleman then proceeded to comment on that part of his lordship's defence which related to the sums Mr. Trotter was at different times in advance to him, and contended that their assertions were contradictory; and that that was another reason for sending them to trial. He then adverted to the sums drawn through Mr. Tweedy, and contended that no account was given where or when the sums were received, or where or when they were paid. It was perfectly unexplained by lord Melville to what public purpose he had applied the public money that had been from time to time advanced to him. He had not been in any high situation in his majesty's government in 1786, when Mr. Douglas was paymaster, that would afford him the pretext for asserting that he had applied the money to confidential services; yet he will not reveal, he does not offer to state even to a secret committee. If he would state it even to a jury of honour, composed of his right honourable friend (Mr. Pitt), the right honourable gentleman (Mr. Windham) who had formerly been in office, and any other honourable man, and they should acquaint the house that they were satisfied with his explanation, he too would be satisfied. If the noble lord had any friend in the house, if he had any relation, if he had those feelings which belong to persons in high situations, he would apply to the house to do away all that had been done, if it would interfere with further proceedings, and to put him on his trial. What did the noble lord? He says, I am innocent; but do not try me: and he adds, that posterity will do him justice.

"The honourable member having thus gone through two parts of his charge, in such a manner as he trusted would induce every man of honour, and every man of feeling, in justice to lord Melville, and to the house, to put him on his trial, he next came to consider the third part, relative to the acquittances obtained under false pretexts for twenty-four thousand pounds, due of Mr. Adam Jellicoe. Having dwelt for some time on this topic, Mr. Whitbread continued to contend that lord Melville had not been punished. He felt it to be his duty to call on the house of commons not to convict, but to put him on his trial; that if

guilty he might suffer, or if innocent he might be acquitted. It had been said that this was not a time for engaging in the trial of delinquents, when the exertions of all classes were called for in the defence of the state. But the fault was with the public delinquents, where guilt rendered such trials necessary. He should not propose the articles of impeachment in the first instance, but a simple resolution; which being agreed to, he should propose the particulars. It had been said that the trial by impeachment was tedious; but this was not always so. In the case of lord Macclesfield only twenty-one days had elapsed between the motion for impeachment and the pronouncing of sentence. As to the expence, in a subject of this serious nature, that ought not to be considered, heavily burdened as the country was at present. If it were not too poor to be robbed, it ought not to be deemed too poor to render itself justice. In such a cause the money would be well spent. It would convince the world either, on the one hand, that men of the greatest consequence in this country were not out of the reach of the law; or, on the other, that we were anxious to give such men every opportunity of justifying their conduct, and proving their innocence of the charges adduced against them. Mr. Whitbread concluded with observing, that he thought it his duty to move, and the duty of the house to concur in, the motion,

"That Henry lord viscount Melville be impeached for high crimes and misdemeanours."

Mr. Bond, however, at the conclusion of a long speech, proposed, by way of amendment, "That the attorney-general be directed to prosecute Henry lord viscount Melville criminally, for the offences stated in the reports of the naval commission and the select committee; and to suspend the civil action, already ordered by the house, till the other is determined."

At the conclusion of an adjourned debate, at six o'clock in the morning of June 13, the motion

for the impeachment was lost by a majority of seventy-seven; one hundred and ninety-five being for it, and two hundred and seventy-two against it: and the amendment for a criminal prosecution was only carried by a majority of nine.

However, after due consideration, it was conceived to be more for the dignity of this branch of the legislature to resort to the mode originally proposed; and Mr. Leycester, on Tuesday, June 25, accordingly moved, "That this house do proceed by impeachment against Henry lord viscount Melville, upon the several offences stated in the reports made by the committees; and that the attorney-general be instructed to stay all proceedings under the order of the 13th of June, directed to him." At the conclusion of a long and interesting debate this proposition was finally carried by a majority of one hundred and sixty-six against one hundred and forty-three.

On the 26th of June Mr. Whitbread, accompanied by lord Temple on his right, and Mr. Grey (now viscount Howick) on his left hand, and followed by nearly one hundred members of the commons, repaired to the house of peers. The lord chancellor (Erskine) having advanced to the bar, Mr. Whitbread read the resolution for an impeachment; after which he placed the paper in his hands.

On returning to St. Stephen's chapel the same gentleman rose, and moved that the house should proceed to the nomination of twenty-one mem-

bers, to prepare and manage the articles. He himself being placed at the head of this list, on the nomination of lord Temple, the appointment of others was moved in succession by him, viz.

1. Mr. Fox, M. P. for the city of Westminster.

2. Mr. Grey, one of the knights of the shire for the county of Northumberland.

3. Mr. Sheridan, M. P. for the borough of Stafford.

4. Lord Henry Petty, then M. P. for Calne, and now for the university of Cambridge.

5. Lord viscount Marsham, M. P. for the borough of Downton, Wilts.

6. Mr. Giles, M. P. for the borough of East Grinstead.

7. Lord Folkstone, M. P. for the city of Salisbury.

8. Mr. Raine, M. P. for St. Ives, Cornwall.

9. Dr. Lawrence, M. P. for the city of Peterborough.

10. Mr. Creevey, M. P. for the borough of Thetford, Norfolk.

11. Mr. Holland, M. P. for the borough of Okehampton, Devonshire.

12. Mr. W. Smith, M. P. for the city of Norwich, Norfolk.

13. Mr. Calcraft, M. P. for the borough of Wareham, Dorsetshire.

14. Hon. C. Kinnaird (now lord Kinnaird, and then) M. P. for Leominster, Herefordshire.

15. Lord Porchester, M. P. for the borough of Cricklade, Wilts.

16. Lord A. Hamilton, M. P. for Lanerkshire, North Britain.

17. Mr. C. W. Wynne, M.P. for Montgomeryshire, Wales.

18. Mr. Jekyll, M.P. for the borough of Calne, Wilts.

19. Mr. Morris, M.P. for Newport, Cornwall,

And, 20. Lord Temple, M. P. for the county of Bucks.

The names of Mr. serjeant Best, M.P. for the borough of Petersfield, Hants; sir S. Romilly, M. P. for the borough of Queenborough, Kent; and sir Arthur Pigott, M. P. for the borough of Steyning, were afterwards added.

He then moved, "That the tenth report of the commissioners of naval inquiry, and the report of the select committee on that report, be referred to the said committee; that five members be a quorum, and that the committee meet to-morrow morning at ten o'clock; that they have power to adjourn from time to time, and from place to place; that they may report from time to time to the house; and that they sit, notwithstanding any adjournment." All these resolutions were severally agreed to.

On the 4th of July the chairman brought up the report* of this committee, which was followed by

* "The committee appointed to draw up articles of impeachment against Henry lord viscount Melville, have, pursuant to the order of the house, prepared several articles accordingly; which articles are as follow, viz.:

eight articles of impeachment. These were afterwards presented in due form to the house of peers,

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" Articles exhibited by the knights, citizens, and burgesses, in parliament assembled, in the name of themselves and of all the commons of the united kingdom of Great Britain and Ireland, against Henry lord viscount Melville, in maintenance of their impeachment against him for high crimes and misdemeanours.

" Whereas the office of treasurer of his majesty's navy is an office of high trust and confidence; in the faithful and uncorrupt execution whereof the subjects of this kingdom are most deeply interested: and whereas the ancient constitution of the said office of treasurer of the navy, and of other offices concerned in the receipt, disbursement, and controul, of the public money, having been found to be highly inexpedient in consequence of the increased expenditure of the country, did become the subject of frequent, long, and serious, deliberation in parliament: and whereas by an act of parliament made and passed in the twentieth year of the reign of his present majesty, and by several subsequent acts of parliament, for appointing and enabling commissioners to examine, take, and state, the public accounts of this kingdom, and for other purposes therein mentioned, certain commissioners were constituted and appointed for examining, taking, and stating, the accounts therein particularly mentioned; and also for examining and stating in what manner, and at what times, the receipts, issues, and expenditures, of the public moneys were accounted for; and for considering of, and reporting, by what means and methods the public accounts might in future be passed, and the accountants compelled to pay the balances, or moneys due from them, in a more expeditious, more effectual, and less expensive manner: and whereas the said commissioners did inquire into, and report upon, the public accounts, by the said acts referred to their examination; and did discover, and point out, various abuses in many of the public offices intrusted with the receipt and expenditure of public money, and in particular in the

in the name of the commons of England; and orders having been issued by the crown for preparing

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office of the treasurer of his majesty's navy; and did propose and recommend sundry good and wholesome provisions and regulations for the reformation of the same, and particularly for preventing the public money, issued for navy services, from coming into the possession and custody of the treasurer of his majesty's navy, or the officers or persons employed under him; for depriving him and them of all the opportunity of using and misapplying the public money to private purposes, and thereby exposing the same to the risk of loss; for making the bank of England the sole place of deposit for the same; for removing, from thenceforward, all temptations and inducements to applications for more public money than was necessary for the public service; for preventing all unnecessary delay in passing the public accounts of the treasurer of his majesty's navy, and in restoring to the public the balances remaining in his hands: and whereas the house of commons having taken the reports of the said commissioners into consideration, upon the 19th day of June, 1782, did (among other things) resolve that some regulations ought to be adopted, for the purpose of lessening and keeping down the balances which appeared to have usually been in the hands of the treasurer of the navy; and did further declare their opinion, that from thenceforward the paymaster-general of his majesty's land forces, and the treasurer of the navy for the time being, should not apply any sum or sums of money imprested to them, or either of them, to any purpose, or advantage, or interest, to themselves, either directly or indirectly:

"And whereas for the more effectually carrying into execution the said resolutions of the house of commons, his majesty, by warrant under his royal sign manual, bearing date the 22d day of June, 1782, was most graciously pleased to augment the income of the right honourable Isaac Barre, as treasurer of his majesty's navy, and to add thereto the sum of two thousand one hundred and fifty pounds, that the said income might in future amount to

suitable accommodations, the necessary ceremonial took place on the trial. This accordingly com-

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four thousand pounds, which his majesty was then graciously pleased to grant to the said Isaac Barre, clear of all deductions, in full satisfaction of all wages, and fees, and other profits and emoluments theretofore enjoyed by former treasurers of his majesty's navy: and whereas by letters patent, bearing date the 19th day of August, 1782, his majesty was graciously pleased to give and grant unto the right honourable Henry Dundas, now lord viscount Melville, the office of treasurer of his majesty's navy royal and ships, and receiver general of all sums of money appointed, or from time to time to be appointed and payable, for the support, maintenance, and reparation of his majesty's navy royal and ships, for emptions and provisions appertaining to, and necessary for, the said navy and ships; and for wages, salaries of officers, servants, and other persons whatever, belonging to the said navy or ships, or any other matter or thing whatsoever, in any manner touching or concerning the navy royal or ships; and for the exercise and occupation of the said office, and for and in satisfaction of all wages and fees of three pence of lawful money for every pound to be received and paid by the said Henry Dundas, by virtue of his said office, his majesty was further graciously pleased to give and grant unto him, by the said letters patent, an annuity or yearly payment of two thousand pounds:

"And whereas the said Henry lord viscount Melville represented, or caused to be represented, or it was represented to his majesty, that the said annuity, or yearly payment, of two thousand pounds, after deducting all charges, taxes, and expences, thereon, would not produce to him, the said Henry lord viscount Melville, more than the sum of one thousand eight hundred and fifty pounds in each year, or thereabouts; whereupon his majesty, by warrant under his royal sign manual, bearing date the 23d day of October, 1782, was graciously pleased to declare, that the income of the treasurer of the navy should be augmented with an additional allowance of two thousand three hundred and

menced in Westminster-hall, on Tuesday, April 29, 1806; and after the commons, with their speaker,

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twenty-four pounds six shillings and sixpence, in order to make, together with the said sum of one thousand eight hundred and fifty pounds, the said income to amount in future to the sum of four thousand pounds; and his majesty did thereby direct, authorise, and empower, the said Henry lord viscount Melville to take and apply, out of such moneys as were in, or should come to, his hands, or to the hands of his cashier, arisen, or to arise, by the sale of old naval stores, the said sum of two thousand three hundred and twenty-four pounds six shillings and sixpence; which, together with the before-mentioned sum of one thousand eight hundred and fifty pounds, would make the said sum of four thousand pounds, which his majesty was graciously pleased to grant him, clear of all deductions, in full satisfaction of all wages and fees, and other profits and emoluments theretofore enjoyed by former treasurers of the navy; the same to commence and to be computed from the day of the date of the said letters patent, and to continue during his continuance in the said office: and his majesty did further direct, authorise, and empower, the said Henry lord viscount Melville, in case the said additional allowance of two thousand three hundred and twenty-four pounds six shillings and sixpence, together with the said several allowances before stated, should not produce in each year the nett sum of four thousand pounds, to charge the deficiency in the annual amount of moneys disbursed by him for fees of divers natures: and whereas the said Henry lord viscount Melville held and enjoyed the said office of treasurer of his majesty's navy, under the said letters patent, from the 19th day of August, 1782, until the 10th day of April, 1783:

"And whereas by letters patent, bearing date the 5th day of January, 1784, his majesty was graciously pleased again to give and grant unto the said Henry lord viscount Melville the said office of treasurer of his majesty's navy, in the same terms as in the said former letters patent of the 19th day of August, 1782; and

had taken their seats, the lords moved from their own house of parliament in the usual order, and

upon a similar representation made, or caused to be made, by the said Henry lord viscount Melville, or otherwise made to his majesty as that hereinbefore stated, his majesty was graciously pleased, by warrant under his royal sign manual, bearing date the 16th day of January, 1784, to augment the income of the said office of treasurer of the navy with an additional allowance of two thousand three hundred and twenty-four pounds six shillings and sixpence, in order to make the annual income of the said office amount to the said sum of four thousand pounds; and which said income his majesty was thereby graciously pleased to grant to the said Henry lord viscount Melville, clear of all deductions, in full satisfaction of all wages and fees, and other profits and emoluments, theretofore enjoyed by former treasurers of the navy, and to secure and to provide for the due payment thereof in like manner as in the said former warrant of the 23d day of October, 1782, is provided:

"And whereas the said Henry lord viscount Melville, under and by virtue of the said last-mentioned letters patent, held and enjoyed the said office of treasurer of his majesty's navy, from the said 5th day of January, 1784, until the 31st day of May, 1800:

"And whereas on the 17th day of February, 1785, the house of commons ordered that leave should be given to bring in a bill for better regulating the office of treasurer of his majesty's navy; and that (together with other members of the said house of commons) Mr. Henry Dundas, now lord viscount Melville, should prepare and bring in the same; and, in pursuance of the said order, the said Henry lord viscount Melville, on the 29th day of April, 1785, did present to the house of commons a bill for better regulating the office of the treasurer of his majesty's navy; and said bill, having passed the house of commons, was, in pursuance of an order of that house, carried by the said Henry lord viscount Melville to the house of lords; to which bill he (in the name

with the customary formalities. Silence having been proclaimed, the ancient *formula* was read by the

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of the house of commons) desired the concurrence of their lordships:

"And whereas the said bill, in the twenty-fifth year of his majesty's reign, passed into a law, intitled 'An act for better regulating the office of the treasurer of his majesty's navy;' the first, third, fourth, and fifth sections whereof are as follow:

"First section.—'Whereas it appears by the reports made by the commissioners appointed to examine, take, and state, the public accounts of the kingdom, that regulations are necessary for better conducting the business in the department of the treasurer of his majesty's navy; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same; that from and after the first day of July, 1785, the treasurer of his majesty's navy for the time being, in all memorials to be by him presented to the treasury for money for navy services, shall pray that such sum as he requires may be issued to the governor and company of the bank of England on his account, and shall transmit with each memorial a copy of the letter or letters from the commissioners of the navy, victualling, and sick and hurt boards, directing him to apply for such sum or sums; in which letter or letters the said commissioners shall, and they are hereby required and directed to, specify for what particular service or services the said money is wanted, and shall also state the balances then in the hands of the treasurer of the navy under each head of service respectively; and the commissioners of his majesty's treasury for the time being, by their letter from time to time, shall direct the auditor of the exchequer to issue to the governor and company of the bank of England, on account of the treasurer of his majesty's navy, naming such treasurer for the time being, the sum for which such letter shall be drawn upon the unsatisfied order at the exchequer, in favour of the said treasurer, for which the receipt of the

serjeant at arms, requesting all persons concerned to come forth, in order to make good the charges

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cashier or cashiers of the said governor and company shall be a sufficient discharge; and all sums for which letters of the commissioners of his majesty's treasury shall be drawn, shall be issued to the governor and company of the bank of England in like manner as they have been heretofore issued to the treasurer of his majesty's navy; and all such moneys to be issued to the governor and company of the bank of England, shall be placed on an account or accounts to be raised in the books of the governor and company of the said bank of England, to be entituled, "the account of the treasurer of his majesty's navy," inserting the name of such treasurer for the time being, for the pay branch, cashier's branch, and the victualling branch; and on the receipt of all such moneys at the exchequer the treasurer of the navy shall immediately certify to the commissioners of the navy an account of the whole receipt, under the respective heads of service; and shall also certify to the commissioners of the victualling, and sick and hurt, boards, the particular sums received and applicable to those services respectively:'

"Third section.—'And be it further enacted, that from and after the 1st day of July, 1785, no money for the service of the navy shall be issued from his majesty's exchequer to the treasurer of the navy, or shall be placed, or directed to be placed, in his hands or possession; but the same shall be issued and directed to be paid to the governor and company of the bank of England, and to be placed to the accounts above-mentioned, according to the services for which it is craved and issued:'

"Fourth section.—'And be it enacted, that the treasurer of his majesty's navy for the time being, by himself, or the person or persons in his office duly authorised by the said treasurer, from and after the 1st day of July, 1785, shall draw upon the governor and company of the bank of England for all navy services whatever, and shall specify in each and every draft the head of service for which the same shall be drawn; and no draft of the said treasurer, or the person or persons authorised as aforesaid, shall be

against lord viscount Melville, who now stood upon his trial. On this the articles (with the answers

deemed a sufficient voucher to the said governor and company of the bank of England, unless the same specifies the head of service for which it is drawn, and has been actually paid by the said governor and company of the bank of England:'

"Fifth section.—'Provided always, that the moneys to be issued unto the governor and company of the bank of England, on account of the treasurer of his majesty's navy, shall not be paid out of the bank unless for navy services, and in pursuance of drafts to be drawn on the governor and company of the bank of England, and signed by the treasurer of his majesty's navy for the time being, or the person or persons authorised as aforesaid; in which drafts shall be specified the heads of service to which the sums therein mentioned are to be applied; and which drafts so drawn shall be sufficient authority to the bank to pay such money to the persons mentioned in such drafts, or to the bearer of them:'

"And whereas the provisions contained in the said last-mentioned act of parliament, were thereby directed to take place on the 1st day of July, 1785; but the execution of the said act, with respect to the said Henry lord viscount Melville opening an account or accounts with the governor and company of the bank of England, as thereby directed, was postponed by him till the 13th of January, 1786, when the said Henry lord viscount Melville opened an account with the governor and company of the bank of England, intitled 'Right honourable Henry Dundas, act of parliament new account;' and which said account was continued by him until he quitted the said office on the 31st of May, 1800, and was the only account kept by the said Henry lord viscount Melville, as treasurer of his majesty's navy, with the governor and company of the bank of England, under and in pursuance of the said act of parliament for regulating the said office:

"And whereas on the 10th day of January, 1786, while the said Henry lord viscount Melville held and enjoyed the said office of treasurer of his majesty's navy, he did constitute and appoint

thereto, in substance as follows) were immediately read:

Alexander Trotter his paymaster; and the said Henry lord viscount Melville did, on the said 10th of January, 1786, duly authorise and empower the said Alexander Trotter to draw on the governor and company of the bank of England, for and upon the account of him the said Henry lord viscount Melville as treasurer of his majesty's navy, all and every sum and sums of money that then were, or should thereafter be, wanted for the public services, under the care of payment of the said Henry lord viscount Melville, the said Alexander Trotter being particularly careful to specify in each and every draft the service for which the money should be drawn:

"And whereas it was the duty of the said Henry lord viscount Melville, during all the time he held and enjoyed the said office of treasurer of his majesty's navy, to abstain from applying himself, and to prevent all persons acting under him from applying, any part of the money issued from his majesty's exchequer for navy services, to any purpose of advantage or interest to himself or themselves, either directly or indirectly, or to any other purposes than for navy services, and from deriving any profit or emolument therefrom: and from and after the passing of the said act of parliament of the 25th year of his majesty's reign, for better regulating the office of treasurer of his majesty's navy, it was the duty of the said lord viscount Melville to observe and pursue the provisions and directions of the said act of parliament; yet the said Henry lord viscount Melville, not satisfied with the ample revenue so provided for him as aforesaid, nor regarding the duty of his high and important office, or the express provisions of the said act of parliament, did, whilst he held and enjoyed the said office, act and conduct himself fraudulently, corruptly, and illegally, in the several instances herein set forth.

"Article I. That the said Henry lord viscount Melville, whilst he held and enjoyed the office of treasurer of his majesty's navy, did take and receive from out of the money imprested to him,

"To all these charges lord Melville, saving to himself all advantage of exception to the inefficiency of the said articles in point

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as treasurer of his majesty's navy, from his majesty's exchequer, the sum of ten thousand pounds, or some other large sum or sums of money, and did fraudulently and illegally convert and apply the same to his own use, or to some other corrupt and illegal purposes, and to other purposes than those of the public naval services of the kingdom, to which alone the same was lawfully applicable; and did continue such fraudulent and illegal conversion and application of the said sum or sums of money after the passing of the said act of parliament for the better regulating the office of the treasurer of his majesty's navy. And the said Henry lord viscount Melville has declared that he never would reveal the application of the said sum of ten thousand pounds, and in particular he did make such declaration in the house of commons on the 11th day of June, 1805; and then and there added, that he felt himself bound by motives of public duty, as well as private honour and personal convenience, to conceal the same. All which conduct of the said Henry lord viscount Melville was contrary to the duty of his said office, a breach of the high trust reposed in him, and a violation of the laws and statutes of the realm.

"Article II. That the said Henry lord viscount Melville, disregarding the duties of his said office, and in breach and violation of the said act of parliament for better regulating the same, did, after the passing of the same act, and whilst the said Henry lord viscount Melville continued to hold and enjoy the said office, connive at and permit the said Alexander Trotter, under, and by virtue of, the said authority so given to him by the said Henry lord viscount Melville as aforesaid, illegally to draw, receive, and to take from the governor and company of the bank of England, for other purposes than for immediate application to navy services, large sums of money from and out of the moneys before them issued unto the said governor and company of the said bank of England, on account of the said Henry lord viscount Melville, as treasurer of his majesty's navy: and the said Henry lord viscount

of law, and of not being prejudiced by any want of form in his answer, and also all rights and privileges as a peer, saith, he is in

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Melville did connive at, and permit, and suffer, the said Alexander Trotter to place the said last-mentioned sums of money, or a great part thereof, so illegally drawn, received, and taken, by him from the governor and company of the bank of England as aforesaid, in the hands of Messrs. Thomas Coutts and Co. the private bankers of the said Alexander Trotter, in his own name, and subject to his sole controul and disposition; all which conduct of the said Henry lord viscount Melville was contrary to the duty of his said office, a breach of the high trust reposed in him, and a violation of the laws and statutes of the realm.

"Article III. That after the passing of the act of parliament for the better regulating the office of the treasurer of his majesty's navy, and whilst the said Henry lord viscount Melville held and enjoyed the said office, large sums of money were from time to time issued and paid to the governor and company of the bank of England, and placed on an account raised in the books of the said governor and company with the said Henry lord viscount Melville, intitled 'Right honourable Henry Dundas, act of parliament new account:' and the said Alexander Trotter, under and by virtue of the said authority from the said Henry lord viscount Melville, did, from the said 10th of January, 1786, during all the time the said Henry lord viscount Melville afterwards continued to hold and enjoy the said office of treasurer of his majesty's navy, draw upon the said governor and company of the bank of England for and on account of the moneys so issued and paid to them, and placed to the said account so raised in their books with the said Henry lord viscount Melville, as such treasurer as aforesaid: and the said Alexander Trotter did receive and take large sums of money so drawn by him from the said governor and company of the bank of England as aforesaid.

"That the said Henry lord viscount Melville did fraudulently and illegally permit and suffer the said Alexander Trotter to place many of the said sums of money so drawn, received, and taken, by him

howise guilty of all or any of the supposed crimes or misdemeanours charged upon him; and this he is ready to prove: and

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from the governor and company of the bank of England as aforesaid, in the hands of Messrs. Thomas Coutts and Company, the private bankers of the said Alexander Trotter, in his own name, and at his own disposal; and the said Alexander Trotter did thereupon, with the privity, by the connivance, and with the permission of the said Henry lord viscount Melville, apply and use the said last-mentioned sums of money, or great part thereof, for purposes of private advantage or interest, profit, and emolument; and did place the said sums of money, or a great part thereof, in the hands of the said Messrs. Coutts and Company, mixed with and undistinguished from the proper moneys of the said Alexander Trotter, whereby the said last-mentioned sums of money were not only applied to, and used for, purposes of private advantage or interest, profit, and emolument, and for purposes other than navy services, but were also exposed to great risk of loss, and were withdrawn from the controul and disposition of the treasurer of the navy. And the said Henry lord viscount Melville, by so conniving at, and permitting and suffering, the public money to be withdrawn from the bank of England, and used and applied in manner aforesaid, acted in breach of the great trust and confidence reposed in him, in violation of the said act of parliament made for regulating his said office, contrary to his duty, and against the laws of this realm, and to the evil example of all persons intrusted in the great departments of the public service with any controul over the application and expenditure of the public money.

"Article IV. That whilst the said Henry lord viscount Melville held and enjoyed the said office of treasurer of his majesty's navy, he, the said Henry lord viscount Melville, did fraudulently and illegally, for the purpose of advantage or interest to himself, or for acquiring or obtaining profit or emolument therefrom, or for some other corrupt and illegal purposes, or for purposes other than navy services, take and receive from the public money placed

he humbly submits himself and the justice of his cause to the house."

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in his name at the bank of England, as treasurer of his majesty's navy, the sum of ten thousand pounds, or some other large sum or sums of money, and did fraudulently and illegally convert and apply the same to his own use, or to some other corrupt and illegal purposes.

"That during the time the said Alexander Trotter held and enjoyed the said office of paymaster to the said Henry lord viscount Melville as aforesaid, and whilst the said Henry lord viscount Melville held and enjoyed the said office of treasurer of his majesty's navy as aforesaid, he, the said Alexander Trotter, kept with the said Henry lord viscount Melville an account current, entered in certain books of account, containing entries of all the sums paid and received by the said Alexander Trotter on account of the said Henry lord viscount Melville, and by agreement between the said Henry lord viscount Melville and the said Alexander Trotter, bearing date the 18th and 23d days of February, 1808, it is stated, that they had either mutually delivered up to each other, or resolved and agreed mutually to cancel or destroy, all the vouchers or other memorandums and writings that at any time theretofore might have existed, passed, or been interchanged, between them relative to the said accounts, and the different items and articles of which the said accounts were composed or consisted; and the said books of account, containing the said account current, together with all vouchers or other memorandums and writings in the possession of the said Alexander Trotter, and also of the said Henry lord viscount Melville, relative thereto, were burnt and destroyed by the said Henry lord viscount Melville and Alexander Trotter: and the said stipulation contained in the said agreement for the said Henry lord viscount Melville and Alexander Trotter mutually delivering up to each other, or for mutually cancelling and destroying, all the said vouchers or other memorandums or writings relative to the said account, was so entered into: and the said books of accounts, vouchers, memorandums, and

After the above answer had been given in, the commons exhibited a further article of charge, being the tenth, against lord Melville.

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writings, were so burnt and destroyed, with a view to conceal and prevent the discovery of the several advances of money made by the said Alexander Trotter to the said Henry lord viscount Melville, and of the several accounts or considerations for or upon which the same were so advanced: all which conduct of the said Henry lord viscount Melville was contrary to the duty of his said office, a breach of the high trust reposed in him, and a violation of the laws and statutes of this realm, and to the like evil example as aforesaid.

"Article V. That whilst the said Alexander Trotter so continued the paymaster of the said Henry lord viscount Melville as aforesaid, and with such privity, connivance, and permission, as aforesaid, so applied and used the said sums of money, or great part thereof, for purposes of private advantage, profit, and emolument, as aforesaid, the said Henry lord viscount Melville, fraudulently concealing the illegal use and application of the same, did procure, obtain, and receive, from the said Alexander Trotter, advances of several large sums of money, which were made to him the said Henry lord viscount Melville by the said Alexander Trotter, in part from money so as aforesaid illegally drawn by him the said Alexander Trotter from the governor and company of the bank of England, and in part from sums of money so placed by the said Alexander Trotter in the hands of the said Messrs. Coutts and Company as aforesaid, when mixed with, and undistinguished from, the proper moneys of the said Alexander Trotter. And for the purpose of more effectually concealing the said advances of money, the said books of account, vouchers, memorandums, and writings, were so as aforesaid burnt and destroyed.

"Article VI. That amongst other advances of money so as aforesaid obtained and received by the said Henry lord viscount Melville, from the said Alexander Trotter, the said Henry lord viscount Melville did procure, obtain, and receive, from the said

"This tenth article charges, that after his appointment to the office of treasurer of the navy, on August 19, 1782, lord Melville

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Alexander Trotter a sum of twenty-two thousand pounds, or some other large sum or sums of money, advanced by the said Alexander Trotter to the said Henry lord viscount Melville, without interest; part whereof was so advanced exclusively from public money so as aforesaid illegally drawn from the governor and company of the bank of England by the said Alexander Trotter; and other part whereof was advanced from the said mixed fund, composed as well of public money, so as aforesaid illegally drawn by the said Alexander Trotter from the governor and company of the bank of England, and placed by him in the hands of the said Messrs. Coutts and Company as aforesaid, as of the proper moneys of the said Alexander Trotter in the hands of the said Messrs. Coutts and Company, which had been mixed therewith, and remained undistinguished therefrom; and for the purpose of more effectually concealing the said advances of money, the said books of account, vouchers, memorandums, and writings, were so as aforesaid burnt and destroyed.

"Article VII. That amongst other advances of money so as aforesaid had and received by the said Henry lord viscount Melville from the said Alexander Trotter, the said Henry lord viscount Melville did obtain and receive a sum of twenty-two thousand pounds, or some other large sum or sums of money advanced to him by the said Alexander Trotter; and for which it has been alleged by the said Henry lord viscount Melville that he was to pay interest; and for the purpose of more effectually concealing the said last-mentioned advances of money, the said books of account, vouchers, memorandums, and writings, were so as aforesaid burnt and destroyed.

"Article VIII. That during all or great part of the time the said Alexander Trotter held and enjoyed the said office of paymaster to the said Henry lord viscount Melville as aforesaid, and the said Henry lord viscount Melville held and enjoyed the said office of treasurer of his majesty's navy as aforesaid, he the said

did, between that day and the 5th of January, 1784, and between the 5th of January, 1784, and the 1st of January, 1786, take

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Alexander Trotter did gratuitously, and without salary or other pecuniary compensation, act in and transact the private business of the said Henry lord viscount Melville, as his agent, and was from time to time in advance for the said Henry lord viscount Melville in that respect to the amount of from ten thousand pounds to twenty thousand pounds, or to some other great amount; and which advances were taken from the said sums of money so placed by the said Alexander Trotter in the hands of the said Messrs. Coutts and Company, consisting in part of public money, drawn by him from the governor and company of the bank of England as aforesaid, and in part of his own private moneys mixed therewith, and undistinguished therefrom as aforesaid. By means whereof the said Henry lord viscount Melville did derive benefit and advantage from the aforesaid illegal acts of the said Alexander Trotter.

"Article IX. And the said Alexander Trotter did so gratuitously, and without salary, act in and transact the private business of the said Henry lord viscount Melville, and make him such advances of money as aforesaid, in consideration of the said Henry lord viscount Melville conniving at, and permitting and suffering, the said Alexander Trotter so as aforesaid to apply and make use of the said sums of public money so drawn by him from the bank of England, and applied and appropriated for purposes of private advantage, or interest, profit, and emolument, as aforesaid: and the said Alexander Trotter would not have been, and was well known to the said Henry lord viscount Melville not to have been, able to make such advances of money to the said Henry lord viscount Melville as aforesaid, otherwise than from and by means of the said sums of public money so drawn by the said Alexander Trotter from the bank of England, with the privity, connivance, and permission, of the said Henry lord viscount Melville as aforesaid, and applied by the said Alexander Trotter for purposes of private advantage, interest, profit, and emolument; all which

and receive divers large sums of public money, amounting to a large sum, to wit, twenty-seven thousand pounds, or thereabouts, and did fraudulently and illegally convert and apply the same to his own use, or to some other corrupt and illegal purpose, and to other purposes than those of public naval service; and did continue the said illegal conversion and application, after the passing of the act for better regulating the office of treasurer of the navy."

To this tenth article lord Melville answers, "that he feels it incumbent upon him to protest against being bound by the law and custom of parliament, or the laws of the realm, to answer such further article. Nevertheless, confiding in the goodness of his cause and the justice of the house, and saving to himself all advantage of exception to the inefficiency of the said further article in point of law, and of not being prejudiced by any want of form in his answer, and also all rights and privileges as a peer, saith, that he is in nowise guilty of the supposed crimes or misdemeanours charged upon him, and this he is ready to prove; and he submits himself and the justice of his cause to the house."

Mr. Whitbread, as soon as the charges and answer had been read, rose, and opened the accusations in a speech, of which the following is the substance:

He began by saying, "that, in proceeding to execute the duty that had been imposed upon him, he lamented that this task had not fallen to the lot of a more able person. He should have to detain the attention of their lordships for a long time, in tracing the series of facts by which the charges would be incontestably established. He was rejoiced to think that the noble lord who was the object of these charges was a man of great talents and

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proceedings and conduct of the said Henry lord viscount Melville were contrary to the duty of his said office, in breach of the great trust reposed in him, and in gross violation of the laws and statutes of this realm: and by all and every one of the aforesaid acts done and committed by him the said Henry lord viscount Melville, he was and is guilty of high crimes and misdemeanours."

great experience; and that from the continued possession of great political influence he had been enabled to establish powerful connections, and to create attachments even amongst the peers of the realm, which would cling to and support him in the difficulties he had now to contend with. The liberal disposition of the noble lord, remote from every idea of sordid avarice, and his habits of generous hospitality, strengthened and confirmed the attachment that power and patronage might at first have given rise to, and preserved the friendship when the interest could no longer operate so forcibly. Under these circumstances, the tenderness and commiseration that might be felt for a weak, defenceless, destitute criminal, could not be supposed to operate.

"The noble lord had besides to be tried before a court in which there was reason to think so many were favourably disposed towards him. In addition to the resources his own great talents and experience afforded him, he had the further advantage of the aid of two gentlemen eminently distinguished for their intimate knowledge of the science of the law, and for their eloquence at the bar. It is peculiarly fortunate that one of those gentlemen (Mr. Plomer) had been, in a former instance, engaged in a case of this nature (Mr. Hastings's), and must be of course particularly acquainted with the nature of such proceedings. All these considerations might be considered sufficient to deter the boldest man from the business he had undertaken; but he would say, that, so far from intimidating him, it roused and called forth every particle of native vigour, and kindled every spark of manly energy which nature had conferred upon him.

"If there were any thing that could restrain him in the exertions due to the importance of the cause, the rank of the criminal, the dignity and splendour of the high tribunal before which he was pleading, it was the presence of a person very near and dear to the noble lord (Mr. Dundas, lord Melville's son), for whose conduct and feelings in the whole of the proceedings in this case he had the highest respect. But his duty to his country, which impelled him to institute the investigation of lord Melville's conduct, as it elevated him above all access to intimidation, compelled him also to overcome and suppress all those feelings of

tenderness which the situation and connections of the accused were calculated to inspire. He should proceed, therefore, to state the substance of the charges, and the proofs by which they were to be made good. It was in his mind clear that these proofs would establish the guilt of the noble lord to conviction; but if the noble lord or his counsel possessed any means of controverting those proofs, so as to shew the noble lord to be innocent, he should be one of the foremost in rejoicing at his acquittal.

"The noble lord had, at a very early period of life, turned his attention to political objects. He attached himself to lord North during the American war; and was one of the ablest and most zealous defenders of that noble lord's measures. In 1783, when that brilliant luminary, whose extinction every one lamented, was placed at the head of his majesty's counsels, Mr. Dundas had a high office assigned to him; and from that time to the period when, in consequence of the resolutions of the house of commons laid at the foot of the throne, his majesty had thought fit to remove him from his presence and councils, with the exception of a very short interval, he did not cease to possess a high share in the confidence of his sovereign, united with some of the most elevated offices in the state.

"In adverting to Mr. Pitt, and the close and intimate connection of lord Melville with him, he wished to fix the recollection of their lordships, not so much on that transcendant eloquence with which every one who heard it was fascinated, nor on that firmness amidst all the dangers and alarms of recent times, nor those other eminent qualities, which rendered his loss so particularly deplorable in the present eventful crisis; there was in Mr. Pitt's character a trait superior to all these, and more apposite to the present occasion: it was that unsullied purity in the management of the public money, which malice could never presume to asperse.

"In being associated with such a man, lord Melville had an example, if any example were wanting to enforce a point so clear, peculiarly fitted to impress upon him the propriety of abstaining from the conversion of the contents of the public purse to his own private purposes; and not to have availed him-

self of that example, but, on the contrary, to have violated the high public trust reposed in him in the very face and presence of it, must in every one's mind be a high aggravation of the crimes which he should prove the noble lord to have committed. Mr. Whitbread here traced the history of the office of treasurer of the navy from its origin in the beginning of the century before the last, in the reign of James I., down to the present time. He also described the nature of the trust reposed in the treasurer; a trust which he was particularly called upon to execute with fidelity, as the salary annexed to the office was very liberal; and, from the various provisions of the legislature with respect to the subordinate departments of the civil administration of the navy, the duties were very light. He then adverted to the measures adopted on the recommendation of that sublime orator and distinguished patriot Mr. Burke, for the correction of the monstrous abuses that prevailed in the public offices. On the suggestion of the commissioners of public accounts, the salary of the treasurer of the navy had been raised to four thousands pounds a year, on the express condition that he should not employ the public money committed to his charge to any purpose of private emolument. The practice of so employing it could not at any time have been right or legal; but having been used and established, the legislature, in insisting upon the discontinuance of it, granted, with its usual liberality, an increase of salary in compensation. Mr. Whitbread then adverted to lord Melville's appointment to this office, and enumerated the various conversions of the public money to his own use, which were the grounds of the articles of charge. He stated distinctly the sums so converted during the first treasurership; the amount remaining due to the public on his lordship's going out, and on his return to the office in his second treasurership.

"He then adverted to the act passed on the suggestion of lord Melville, for preventing the money voted for navy services from being drawn from the bank except for naval services. He contended, that it was absurd and ridiculous to suppose that this act was complied with, or that any security was gained for the public, if merely mentioning some naval service in the draft, one, two, or three, hundred thousand pounds more than was wanted, might

be drawn out of the bank, and placed in the hands of a private banker, to be employed to the advantage of a paymaster, or any other person.

"That Mr. Trotter had employed the naval money placed by him in the hands of Messrs. Coutts to various purposes of profit, would be made most clear. That lord Melville was aware of Mr. Trotter's so employing the money, was evident from his frequently borrowing large sums; sometimes so large as ten thousand pounds from Mr. Trotter, and often without paying interest upon them.

"How was Mr. Trotter, lately but a clerk in the navy office at two hundred pounds a year, and whose salary as paymaster was but eight hundred pounds; how was he to furnish such sums, unless it was from the public money in his hands? If by any chance he did possess such a sum of his own (and it would be shewn that he could not), was it reasonable to expect that he would lend all his money without interest? It was indeed but too clear that the money thus advanced was public money; and that no interest was allowed or demanded upon it, was in itself an invincible proof that it was understood so to be. It was true lord Melville denied having any knowledge that the money thus advanced to him was public money, or that the public money was converted to purposes of private emolument by Mr. Trotter; he had made this denial solemnly, and in writing, in a letter to the commissioners of naval inquiry; which letter would be given in evidence. But the facts that would be adduced would prove that lord Melville did and must know both these things; and what must be thought of a peer of the realm, a member of a body in whom the constitution supposed a veracity so pure that they were allowed to pass judgment in cases of life and death upon their honour,—what must be thought of a peer of the realm, he said, averring as fact what he must have known not to be so? Their lordships would think this part to be so material to their own dignity as to merit their particular attention: and when it should be made appear in the manner he stated, they would look upon it as no small aggravation of the offences laid in the articles of charge, which he had no doubt he should be able to make good.

"Mr. Whitbread wished to point the attention of their lordships particularly to the sum of ten thousand pounds advanced by lord Melville, as his lordship said, for particular purposes, the nature of which he never would reveal. If the public money were thus diverted from the services for which it was granted to purposes important, perhaps, only to the caprice of the person who so diverted it, surely the least satisfaction the public was intitled to was an express statement of the purpose to which the money was applied. To refuse that explanation, and to profess a positive and contumacious silence to be for ever persisted in, was itself an offence of the greatest magnitude in a public accountant, whose first obligation was to make clear to the public the application of every farthing of the public money committed to his charge. He had been informed that within these few days the defendant's counsel had in their hands the receipt given for that ten thousand pounds. Let that receipt be produced; let lord Melville have the full benefit of it, if the occasion was of such a nature as to justify or excuse the act. Let the public now, at least, have the satisfaction, insulted as it was by the refusal of it hitherto, of a disclosure by means of which it would know something of the use that had been made of its property. If the receipt had been so lately in existence, but was now in existence no longer; if it was in existence, and would not be produced; the world would know what judgment to form of the nature of the transaction to which it referred.

"But there was another discovery, which his attention to the duty entrusted to him by the representatives of the whole commons of the united kingdom had enabled him to make, and of the benefit of which no art of defence the accused or his counsel could devise, could deprive him. It was the discovery of some of the identical bank notes that had been used in these transactions, which he would trace to the hands of lord Melville's private banker, where they had been paid in for his private account. When all this should be proved, he allowed that their lordships must still pause with hesitation and astonishment, and ask themselves how it was possible that a man of such high understanding, rank, and station, a man unaffected with the love of money for

its own sake, could be guilty of such culpable dereliction of his public duty, such gross violation of his public trust, for his private advantage? He admitted the inconsistency of the act with the character and station according to every principle of human reason. But, unhappily, there were, in the history of mankind, instances still more extraordinary and deplorable, of the total oblivion of every thing that was honourable and distinguished, for the sake of sordid interest and base corruption. There was in our own history an instance of a man whose intelligent and highly cultivated mind might rank him with any of the sages of ancient or modern times; whose writings abounded with every thing that was profound in science, with every thing that was pure and sublime in morality; yet this man, enjoying the highest consideration, and filling the highest station in the kingdom, had sunk into this base crime: one of the most extraordinary, the most afflicting, and the most humiliating, convictions in history, was that of sir Francis Bacon, found guilty at their lordships' bar of bribery and corruption in the administration of his office of chancellor of England.

"There were a number of minor instances, more recent and more familiar; and though the greatest and best interests of mankind, as well as every principle of pride, honour, dignity, and rectitude, would have counselled a contrary conduct, yet the suggestions of these better interests, and these exalted principles, had failed; and the highest characters, and most elevated stations, had been forfeited for sordid pecuniary advantages, which brought with them unmitigated contempt, and irrecoverable degradation. Unfortunately the great branches of the public administration, in a country whose power was so extended, and whose exertions in the defence of its own rights and those of the world were so diffused, were but too general and too powerful temptations to this crime; and enormous abuses were, in many instances, the consequence.

"Mr. Whitbread here paid a warm compliment to lord St. Vincent, to whom, he said, it was originally owing that the offences upon which their lordships were now sitting in judgment were brought to light. Earl St. Vincent, long aware of the

abuses that existed in every branch of the civil department of the navy, availed himself of the first opportunity the return of peace afforded to set on foot an investigation of the several departments, with a view to the necessary reforms. At his recommendation the commission of naval inquiry was instituted. The integrity, the assiduity, the firmness, the penetration, and wisdom, with which that commission had discharged their duty, often having difficulties of the most embarrassing and discouraging nature thrown in their way, were above any panegyric he could bestow upon them. The services they had rendered to the country, perpetuated in the reports they had drawn up, and in the reforms adopted in consequence of those reports, were consecrated by a monument which would claim the veneration of posterity to the latest times.

"It was by the investigation of this committee that the crimes now charged on the defendant at their lordships' bar were discovered. On their report he had thought it his duty to submit to the house of commons certain resolutions touching the acts reported. The house of commons had done him the honour of adopting these resolutions: a train of proceedings had followed, the result of which was, that lord Melville should be impeached at their lordships' bar. The house of commons had done him the further honour to place him at the head of the committee appointed to manage the impeachment. He was perfectly sensible how little qualified he was for a situation so eminent and so arduous; but he would at least bring to the discharge of the important duty imposed upon him all the assiduity, zeal, and energy, of which he was master; and all the devotion to the public good which had induced him originally to take up this matter.

"He had undertaken the task of urging the charges against lord Melville to this length, merely from a sense of public duty, and a regard to the public interest, and not from any motives of hostility to lord Melville, whose meritorious conduct in the public service he was, in many instances, ready to acknowledge. Even in this very department of the public service he gave the noble lord credit for having established effectual provisions to prevent the forgery of seamen's wills, which entitled him to the gratitude of all the seamen of the fleet, and of all connected with them;

but meritorious service in one respect was not to be made a cover for abuse in another; and whilst their lordships acknowledged the service, they would not allow an abuse to be screened by it."

On the second day of the trial the managers produced evidence to prove the appointment of viscount Melville to the office of treasurer of the navy; and also to prove the increase of the salary to the late colonel Barre from two thousand pounds to four thousand, in full satisfaction of all wages and fees. The third was occupied with details relative to the payment of public money at the exchequer. On the fourth, fifth, sixth, seventh, and eighth, a variety of bankers' books were produced, and a number of clerks examined. On the tenth the solicitor-general, sir Samuel Romilly, was heard in behalf of the prosecution. On the eleventh and twelfth days Mr. Plomer made an able speech for the noble defendant. On the thirteenth, after a previous examination of witnesses, Mr. Adam, the other counsel for viscount Melville, zealously vindicated the conduct of his client; after which the house adjourned to Friday, May 15.

On that, which was the fourteenth, day, the attorney-general delivered a speech of considerable length on the other side, and was followed by the manager, who concluded on Saturday, May 16.

After a few prefatory observations in support of what had been said by his colleague, the attorney-general, Mr. Whitbread closed the proceedings with an able rejoinder, of which our scanty limits preclude us from giving any more than a brief outline.

"Having proceeded to comment on the conduct of the noble defendant, in respect to his alleged inaccuracy in accounts, Mr. Whitbread observed, that he was accurate enough to make up his own salary four thousand pounds a year; and in his statement of the India budgets he was always sufficiently lucid and unembarrassed to repel the idea that he was not capable of accuracy in accounts.

"It was argued, that it was impossible to disprove all the objections to the conduct of a man who had been twenty-four years in office. Mr. Douglas was dead; he could have explained every thing during his time, it was said. They then came to a later period, when all the papers were burnt which could throw a light on the transaction.

"Could Douglas have been called; could the destroyed papers have been produced; how much might they not suspect they would have been able to have proved, judging from what they had been able to prove?

"The learned counsel had attempted to ridicule the fact of tracing the bank notes; but if the history of all the bank notes could have been unravelled, what a history might it not have disclosed! They all heard of the book called Chrysal, or the Adventures of a Guinea. Suppose some such communicative guinea could now be found; it might tell them it found its way from the exchequer into Mr. Swaffeld's iron chest at the navy office; from thence it might say, 'I expected to be transported to the pocket of some brave seaman, or seaman's widow. But judge of my surprise, when I was taken out to pay a bill of the treasurer of the navy. Soon afterwards I found myself in the house of commons, and, to my astonishment, heard lord Melville say that he had applied me, and ten thousand others, to public purposes, but which he would never name. Subsequent to that, when I had made a few more transitions, I found myself in Westminster-hall, in the pocket of a counsellor, who was pleading the cause of lord Melville, who was most strictly endeavouring to controvert both the law and the fact; but what surprised me most was, to hear another counsellor, who professed to be on the same side, contradict his colleague point-blank.'

"Here the guinea tale must end. The books, about which the learned gentlemen differed, it was impossible to open, any more than the spirit Glyblyn could open the book of the abbot of Melrose.

"The honourable manager contended, as he went along, that the evidence was conclusive of the guilt of the noble defendant; and concluded his speech of this day with declaring he had no feelings of personal animosity. His duty done, he should retire; and he trusted his name, in going down to posterity along with the cause, would not be dishonoured, while that which was honourable in itself would derive some lustre from the effulgence of the glory of that court."

FIFTEENTH DAY.

"Mr. Whitbread having resumed his speech, he commented at length on the confession of the noble lord, respecting the application of ten thousand pounds to purposes which he avowed he would not disclose. He then adverted to the demeanor of Mr. Trotter in giving his evidence; and insisted, that from his manner as much was to be inferred as from the plainest testimony.

"He argued from the fourth and fifth clauses of the act of 1786, and contended that they were notoriously violated by the noble defendant. With respect to the want of care in the noble lord in examining his accounts, it did not appear that such was his character by his subsequent conduct. He had had the caution to insert an unusual clause in a release for the destruction of all vouchers, and he had not neglected to perform that agreement.

"What would the noble lord have said, when in office, to any one of his inferior agents, if he had come to him with such excuses as the noble lord now offered to the court on behalf of himself? With regard to the removal of the money from the bank to Coutts's, it was argued that the noble defendant had done it for reasons of official convenience, when the pay-office was removed from Broad-street to Somerset-house. But, in fact, it was in 1786 that the money was removed to Coutts's; and the office was

not removed till the year 1787: the falsity of that pretence was therefore most evident.

"The honourable manager next adverted to the refuge taken by the noble lord under the fifth clause, in refusing to answer the commissioners of inquiry. He considered this as strongly indicative of what were the noble lord's feelings. He fled to the fifth clause, and exclaimed, in the words of the Scotch song, 'Throw your auld cloak about me.' If a conduct such as the noble defendant's could be overlooked, and escape punishment, it would have the most baneful public influence. It was little matter, comparatively, how this case ended; but the example was most terrific. No public accountant hereafter need dread any responsibility, should the noble lord stand acquitted.

"He then entered with much spirit into a detail of the transactions of 1800; and observed, had not that loan been negociated, the noble lord would not probably have been enabled to pay his balances, and the public must have suffered a loss. In adverting to the conversation stated to have passed between lord Melville and Trotter, he observed, that though the latter would not recollect any of the conversations with precision, it was not to be doubted that they understood each other: there were many modes of communicating ideas besides by words. When our immortal bard represents king John as wishing the death of his nephew Arthur, without daring to speak his wishes direct to Hubert, he thus addresses him:

'If that thou couldst see without eyes,
Hear without thine ears, and make reply
Without a tongue, using conceit alone;
Without eyes tears, and harmful sound of words,
Then, in despite of blooded watchful day,
I would into thy bosom pour my thoughts.'

"Similar, most likely, were lord Melville's directions to Trotter respecting India stock; but if any doubt remained as to this point, surely there could be none to those sums which the noble lord admitted he had applied contrary to the purposes of the act. In conclusion, the honourable manager adverted to the manner in which the counsel had attempted to defend their client.

Instead of endeavouring to rescue his impeached honour, and restore his character, they had only attempted to save him from punishment.

"Oh, miserable man! to be so defended, said the honourable manager. Every one of the charges which the managers have presented against you have been completely substantiated. By your own confession you have shewn that you have illegally applied a large sum of the public money, and for that alone we are justified in seeking a verdict of condemnation against you. You expressed your readiness to swear that you did not derive any profits from the public money during the paymastership of Douglas, and we have proved that you did. You have also declared that you derived no profit during the paymastership of Trotter, and we have proved that you did. And what has been deposed by our evidence, not a single witness has been called on your part to controvert. No, your counsel have not ventured to repel it.

"Their strength has been to secure a retreat. We attacked them in their fortress. We pursued them in their flight for refuge; first to the bastion, and next to the citadel; where, being unable to make a stand, they endeavoured to carry off the body of their client: but in this too it will be seen that they have failed. They have not fought, but fled. We, however, have overtaken and conquered; and we claim from your lordships the just reward of our success, a verdict against the noble defendant."

On the sixteenth and last day, Thursday, June 12, the crowd was immense; and such was the number of peeresses alone, that there were scarcely sufficient accommodations for them. At eleven o'clock the managers, followed by the other members of the house of commons, together with the speaker, entered, and were soon after succeeded by the peers. After three hours awful suspense, the lord chancellor * addressed the court, which being now prepared to pronounce judgment, he spoke to

* Lord Erskine.

the youngest baron as follows: "John lord Crewe, is Henry viscount Melville *guilty* of the high crimes and misdemeanours charged in the first article, or not?" The same ceremony was recurred to in respect to the whole body of the peerage present, in succession, up to his royal highness the duke of York; and at four o'clock lord Erskine pronounced judgment as follows:

"The majority of the lords have ACQUITTED Henry viscount Melville, on the impeachment preferred against him by the house of commons, and of ALL THINGS contained therein; and, Henry viscount Melville, I am to acquaint you that you are acquitted of the impeachment preferred against you by the house of commons, and of all things contained therein." Thus ended a trial which had engaged the earnest attention of the public; and from which, previously to the event, a different result was generally expected. The following is an abstract of the charges, and the numbers who voted:

On the first article, accusing his lordship with applying ten thousand pounds of the public money to purposes not naval, previously to January 1786:

Not guilty - - -	107
Guilty - - -	15
Majority	92.

On the second article, charging him with permitting Alexander Trotter to draw sums of the public money from the bank for other purposes than naval, and conniving at such fraudulent application:

Not guilty - - -	68
Guilty - - -	54
Majority	14.

On the third article, charging him with permitting Alexander Trotter to draw public money from the bank, and place it in the hands of his bankers, Messrs. Coutts and Co. in his own name, and at his own disposal:

Not guilty - - -	68
Guilty - - -	54
Majority	14.

On the fourth article, charging him with similar connivance, in respect of public money placed by said Alexander Trotter in the hands of Mark Sprott, for the purpose of private emolument:

Not guilty unanimously, there being 135 peers present.

On the fifth article, charging him the same as in the first article, only laying the act subsequent to January 1786:

Not guilty - - -	109
Guilty - - -	3
Majority	106.

On the sixth article, charging him with receiving public money from Alexander Trotter, and applying it to its own use, and in participating with said Trotter in the profit made of the public money, and mutually agreeing to destroy vouchers, &c.:

Not guilty - - -	75
Guilty - - -	47
Majority	28.

On the seventh article, charging him with receiving twenty-two thousand pounds of the public money, without interest, from Alexander Trotter:

Not guilty - - -	69
Guilty - - -	53
Majority	16.

On the eighth article, charging him with receiving from Alexander Trotter twenty-two thousand pounds of the public money, for which the defendant was to pay interest:

Not guilty - - -	107
Guilty - - -	15
Majority	92.

On the ninth article, charging that while the said Alexander Trotter transacted the business of the defendant as his agent, he, the said Trotter, was from time to time in advance to the said viscount Melville, in that respect, to the amount of from ten thousand pounds to twenty thousand; which sums were partly taken from the public money, and partly from a mixed fund of public and of private money:

Not guilty - - -	108
Guilty - - -	14
Majority	94.

On the tenth and last article, charging him with taking at divers times, between 1782 and 1784, twenty-seven thousand pounds of the public money, and converting the same to his private use:

Not guilty - - -	102
Guilty - - -	10
Majority	92.

It will be seen, from the account just stated, that on two of the charges there was only a majority of fourteen, and on a third of sixteen, for the acquittal of his lordship; while it will be recollected that some of the great officers of the crown (the first lord of the treasury, and the secretary for the home department) declined voting at all; a circumstance which, no doubt, produced a correspondent effect. In addition to this, it may be added, that some of the most distinguished members of the peerage, both in point of integrity and independance, pronounced the noble defendant criminal. Yet, after all, the vote of the tribunal before which he was tried, having absolved him of all the charges, and declared him "not guilty" on all the articles of impeachment, he must of course be considered as inno-

cent in the eyes of his fellow-subjects. There was a period of our history, at no very remote distance, when an attempt was made to inculcate a contrary doctrine; but we trust that the odious and absurd imputation of an "acquitted felon" will never be allowed again to disgrace the lips of a minister, or pollute the public ear.

It ought not, on the other hand, to escape observation, that the chairman of the committee of impeachment conducted himself on the present occasion in a most liberal and decorous manner. To those acquainted with proceedings of this nature it is not unknown, that the practice which formerly obtained was far different. Lord Coke, the most profound lawyer of his age, exhibited a degree of virulence, on a similar occasion, that still excites our surprise; and the celebrated Bacon, lord Verulam, was far from being decorous in the choice of his expressions. It may be observed, indeed, that the indelicate epithet of "spider of hell," was uttered during the age of Elizabeth; but it cannot, on the other hand, be denied, that the term of "captain-general of iniquity" was used in the days of George III.; and that, too, by one of the most accomplished orators * of the period during which he lived.

Nothing of this kind accompanied the accusatory eloquence of the subject of this memoir. Every

* Mr. Burke, on the trial of Mr. Hastings.

thing was manly and dignified. He mentioned the rank, offices, and talents, of the supposed delinquent, with respect; he alluded to the virtues of his son in a flattering manner; and, burying all the political offences of his late colleague in the grave that contains his ashes, he reminded the world of his virtues alone! In fine, while he abstained from any thing that could unnecessarily affect the feelings of lord Melville, he, at the same time, did ample justice to the cause of the public.

Mr. Whitbread may now be considered as a veteran orator, having distinguished himself as a speaker in the house of commons during a period of fifteen years. His eloquence is of a masculine kind; clear, plain, and argumentative. He seldom stoops in search of metaphor; but is bold, energetic, and decisive: perhaps too, an idea which has gone abroad, of his possessing a certain degree of *hauteur*, may tend, in some degree, to heighten, rather than to diminish, this species of composition.

As a magistrate of the county of Bedford, the subject of this memoir is active and indefatigable; he is also kind and attentive to all the poor people in his neighbourhood, whose wants he at once sooths and relieves by the liberality of his conduct. He is well allied; and, what is not a little remarkable, is connected with his schoolfellow, viscount Howick, by a double marriage, he himself having been united in 1788 to Elizabeth, the eldest daughter of sir Charles, now earl, Grey, by whom he has had five children; while Mary Whitbread, in

1789, gave her hand to the honourable George Grey, now a post-captain in the navy. Another sister, Emma, in 1780 was married to the late lord St. John of Bletsoe, whom she survives; and a third and eldest, in 1789, to his neighbour, Mr. Gordon, of Moore-park.

This account would be incomplete, were it omitted, that Mr. Whitbread is an encourager of the fine arts; and that he possesses a decided taste for agriculture,* which has fortunately become a prevailing fashion among men of fortune. He has also evinced his readiness, in case of an appeal to arms, to participate in the toils of war, and the dangers of his country, having raised and commanded a body of volunteers at Bedford, consisting of about three hundred and fifty rank and file.

We respect the laudable ambition of the subject of this memoir; and trust that whosoever may be made minister, he will always be numbered on the side of his country. He at this present moment possesses an opportunity of immortalising his name, by a revision of the code relative to the management of the poor. When it is recollected that nearly one-fifth of the population of this country consists of individuals, who, in one shape or another, are supported by a tax levied on the remainder, the importance of such a task will be obvious;

* Mr. Whitbread is not only a practical, but an experimental farmer. In 1805 his two-horse Norfolk wheeled plough started for the prize at Woburn-abbey.

and as to its necessity, this is sufficiently demonstrated by the state of almost every parish in the kingdom. It is not yet forgotten that the member for Bedford stepped forth at a critical period to undertake the Herculean task; neither are the means made use of to induce him to desist, secret. No minister, jealous of his glory, will now endeavour to snatch away his laurels, and undertake an office which he had neither time nor perseverance to execute.

From a ridiculous association of ideas, it is almost impossible to assimilate the ideas of a brewer and a legislator in the minds of the ignorant. But while commercial men will admire the order, regularity, and, we may add, grandeur, that prevails in the establishment at Chiswell-street, the country-gentleman will be taught to contemplate Elstow-lodge and Bedwell-park with respect; the patriot too, looking towards Westminster, will, on account of his labours there, be inclined to rank the subject of this memoir among the benefactors of his country.

MR. HOBHOUSE.

IT is the part of the historian to detail the fall and rise of empires, the deceit of cabinets, the cruelties of armies, the ambition and avarice of the great, the meanness and violence of the multitude. This, though an useful, can hardly be said to be a grateful, task; but he that singles out an individual

as an example of virtue to an admiring world, must be conscious not only of the utility, but the delight, arising from his exertions. Each page, as it rises under his creative pen, presents to his view something to love or to admire; some amiable, or great, trait of character; some feature stampt with the image of a generous and manly soul. But where is the biographer to search for this noblest work of God, this honest man? Not in the palace of the king, not in the tent of the warrior, nor even in the porch of the philosopher. There he may find greatness without generosity, valour without justice, and wisdom without discretion: but more must he sought for, if he will undertake to paint no image that is not fair in all its features; if he will pourtray no character that is not consistent in its virtues, "et in seipso totus teres atque rotundus." This being his aim, and having in vain looked among the great for a theme, he is at last obliged to examine the good, and to make himself content with endeavouring to render those illustrious whom he found only virtuous. This has been always the system upon which this work has proceeded: a system to rescue from obscurity the man of integrity who has not before been noticed, and to render more distinguished him that is already deservedly known.

It will be perceived that the subject of the present memoir must be classed under the last head, as the world is already sufficiently acquainted with Mr. Hobhouse to make an inquiry into his former

life not only useful, but interesting It is a precept of Cicero's, that a panegyric on a praiseworthy man should not be confined to himself, but ought also to embrace the mention of those virtuous heroes who can be ranked in the line of his ancestors. This in Rome, where the limits between the several orders were so strictly defined, and so rarely transgressed, must, no doubt, have been easy to the writer, and agreeable to his readers; but in England, where no such settled distinctions exist, little is gained by such a display of family merit, even if the blood be purely patrician, which is seldom the case. As the honest exertions of every rank are encouraged and rewarded by the generous spirit of Britons, so are they unwilling that there should be any claim advanced to their favour, except that which is founded upon personal qualifications.

> "Nam genus et proavos et quæ non fecimus ipsi
> Vix ea nostra voco."

We will not, therefore, trace back Mr. Hobhouse's ancestry to the Conquest; nor by eulogising his fathers, anticipate encomiums on himself: let it suffice to mention, that Mr. Hobhouse is of a good family, formerly residing in Somersetshire. His father was a merchant engaged in extensive commerce in the city of Bristol, where he possessed a very commanding influence, formed upon the basis of a reputation for high honour, and unblemished integrity, and supported by the consequence which great wealth never fails to beget. By his lady,

whose maiden name was Medley, he had two sons; the eldest, Mr. Isaac Hobhouse, the present possessor of the family property near Bristol; and Mr. B. Hobhouse, who was born in 1757, and is the subject of the following sheets.

At a suitable age this gentleman was sent to receive the rudiments of his education under Mr. Lee, then master of the free grammar-school of the above-mentioned city. This seminary we believe, in that time, to have been of great repute, though now somewhat decayed; and, if we are well informed, it had for contemporaries with Mr. Hobhouse Dr. Lawrence, well known in the political world; Mr. Gregor, the member for Cornwall; sir John Nicholl, the king's advocate-general; lord Somerville (on whose distinguished character no comment need be made); and several other gentlemen, now of great notoriety. To say that Mr. Hobhouse shewed, whilst at school, great and undoubted proofs of ability; to dwell upon the proficiency which he made in classical and polite literature, would be only to mention that which his future conduct has so clearly evinced.*

At the age of seventeen, in the year 1774, he proceeded to finish his education on the banks of the Isis; a place congenial to his taste, and suit-

* We have been shewn by a friend some books presented to Mr. Hobhouse by the great Edmund Burke, on making a Latin oration in his presence when member for Bristol.

able to the elegant acquirements he had already formed. At Brazen-nose college, Oxford, he assiduously improved upon his former knowledge; and there formed a friendship which must always make the remembrance of his university labours dear to him. The world must be already too well aware of the intimate connection subsisting between Mr. Addington (now lord Sidmouth) and Mr. Hobhouse to need any account from us. It is sufficient to say, that the union formed in their youth has been continued without interruption to the present day, although a difference of political sentiments, for many years, distinguished their public characters.

After having resided at Oxford the usual number of terms, Mr. Hobhouse was admitted bachelor of arts in 1778, and in 1781 took his master's degree. Being intended for the law, he was entered of the Middle Temple in 1776, as appears from the books; and being called to the bar in 1781, immediately proceeded on the western circuit. Though he continued to practise but a short time, we have heard that Mr. Hobhouse had every reason to promise himself success in his profession. On his first circuit several briefs were entrusted to him; and nothing but ill health could have prevented him rising to considerable eminence in the law. Here he formed a considerable intimacy with the late right honourable W. Pitt, whom it was his fate afterwards so strenuously to oppose; and that great man never entertained for him any other sentiments

but those of respect, even after they became separated by their political differences. Mr. Hobhouse, in 1783, on quitting business, found it necessary, for the re-establishment of his health, to seek in France and Italy for milder skies and warmer suns. Whilst abroad he amused himself with writing a short account of his observations on the continent to his friends in England, in letters, which he afterwards collected and printed, at the request of those to whom they were addressed; though never published, they have occasionally been presented to his intimate acquaintance, from one of whom we once obtained a sight of the collection. The title of the book is as follows: "Remarks on several parts of France, Italy, &c. in the years 1783, 1784, and 1785, by Benjamin Hobhouse, barrister at law." The plan of the most interesting part of his work, Mr. Hobhouse has mentioned very briefly in his preface.

"After (says he) that I had attentively surveyed the antiquities in Rome and its neighbourhood, I sought the history of them in Nardini, Venuti, and other Italian writers. That I availed myself often of their assistance, I most readily acknowledge; but I never adopted any account without examining how far it was reasonable, and whether it corresponded with the appearance of the remains."

From this extract it will easily be seen, that Mr. Hobhouse's travels are not entirely filled up with his own adventures, the state of the respective inns at which he called, the character of his post-horses, and many other entertaining particulars, which so

admirably assist the literary efforts of modern travellers. His progress, indeed, is of necessity frequently mentioned; but the bulk of this libellum is filled up with classical and erudite remarks on the temples, columns, amphitheatres, statues, and the other remains of antiquity. Those who have perused and admired Mr. Addison's remarks (the classical applications of which were not his own, but collected by an Italian), those who have viewed the accounts of Barretti, and other writers who have entered at all into detail, if they do not find these letters always giving new information, will find them always interesting and agreeable; and it is perhaps to be wished that Mr. Hobhouse might be prevailed upon to present them to the public. The account of the remains, the collection of pictures which distinguished the several Italian metropolitan cities, the entertaining digressions, inserted with judgment and ease, could not fail to please every reader. One of these letters is introduced, which will not be tiresome.

"Naples, January 21, 1785.

"On a future day I pushed my route still further to the eastward of Naples, accompanied by two English gentlemen and monsieur ——. Our plan was formed after dinner. We sent for a coach and four horses, and, without making any inquiries, set off immediately in quest of the remains of some Grecian temples at Pæsti. After having travelled some distance, the coachman told us that a little place called Torre del Greco was near; and that there he must stay some hours to rest, and feed his cattle. We were turned into a miserable hole, and could get nothing but *provola* and sour wine. *Provola* is a kind of soft cheese made of

the milk of buffaloes. We wished for a short repose, and inquired for chambers. We were shewn into one, which, it was said, would accommodate all the party. It had two beds: in one lay a man, by the side of whom, in a chair, was a brace of pistols; the other, which was tolerably large, and had two pillows at each end, was intended for us. There we four were to sleep together, between sheets as black as the chimney back. This was too bad. Three of us took our seats in the coach; one of my English companions tried the stable, but as there was scarcely any thing to lie upon, he soon joined us. Not being able to close my eyes, I opened the door of the carriage, went up stairs, and threw myself down upon the dirty coverlet. My moving awoke the Italian in the other bed, who called out, who is there? Perhaps it was well for me that I could reply in his own tongue, for otherwise he might have fired at me.

"At length the time of our departure arrived. The innkeeper demanded such an immoderate sum for our poor repast, that I refused to pay. He swore that we should not quit the place until he was satisfied; and shut the gates of the yard. The count asked me in French, what was the matter? and upon being informed, begged to alight. 'For what (said I), M. le comte?' 'To cut off his head,' replied he with great earnestness. I contrived to quiet him, by saying, that since all management was confided to me, it would be but an ill compliment to take it out of my hands. Being the most conversant in the language of the country, I had the trouble of acting as caterer and paymaster. Finding my host extremely obstinate, I gave him an *accidental* peep of a pistol, which operated with magical force. He no longer declined the sum I tendered: he opened the gates, begged pardon for his conduct, and retired thoroughly affrighted with the sight of that which I had no intention to use.

"At Salerno, the road being no longer passable in a carriage, we hired two *calasses*. In crossing a heavy moor, one of the wheels suddenly plunged into a deep rut, and I was pitched out on my head, but not hurt. The evening began to set in; a dreadful storm of thunder rattled in our ears; the lightning flashed, and gave us repeated glances of the superb remains which we had

sought. Where Possidonia once stood, a few scattered cottages are now the only marks of human abode. We entered one of them: three savage looking men, and an old woman, were seated near a wood fire, which had almost involved them in smoke. The door not only gave admission, but served as a window and chimney to this, and a still smaller room within. *Cosa da mangiare?* was the first question. *Provola* was the answer. The Polander proposed that a large cock, which was strutting about the floor, should be killed: the old woman had no objection; the creature was soon deprived of its existence; and entrails and all, while yet warm, put into the pot. As might be expected, it was so tough, that we could hardly cut it up. The Polander, with a great broad sword which I could scarcely wield, chopped it in quarters; but he needed not to have troubled himself about the partition, for neither of us chose to share it with him. He ate heartily; and, perhaps, to the great quantity of this indigestible food with which he loaded his stomach, is to be attributed his sickness of the subsequent day. In the interior room was a bed, which might vie in filth with that at Torre del Greco. One of my countrymen and myself threw ourselves upon it. The other and the count extended themselves upon some sheep-skins. We had a little oil in a lamp, which we lighted. A chain was placed against the door. Shut up within a very confined space, which had scarcely any communication with the air, we were almost suffocated with heat. We fancied that an attempt might be made to assassinate us for the property we might be supposed to have; and therefore it was thought proper to mount guard. Being less drowsy than the rest, I undertook to watch the two first hours. A brace of loaded pistols and a cutlass were my arms. At the expiration of the time I called to my comrade, who declared, that they could not answer for keeping awake. All of us soon sunk into a profound sleep. In a little while I heard a low muttering voice, without being able to distinguish a word. After listening some time, I was made easy by hearing my own name. 'What shall we do?' said the gentleman by my side; 'the light is going out; in the dark we may mistake friends for enemies, and injure each other.' A council was held, and it was determined not

to call for more oil, lest we should make known our fears. All these precautions were thought necessary to guard against a danger, which in the event proved imaginary. I arose early, and hastened to the temples.

"Ποσειδων, or Prestum, afterwards called Possidonia, a city at the western extremity of Lucania, was founded by the Darians, according to some, or by the Sybarites, according to others. The quadrangular form of the outward walls, built of large square stones; the towers with which they were fortified, one of the four gates, and the remains of an amphitheatre, are easily distinguishable. Almost all the columns of these large and magnificent temples are still standing. They are of the Doric order; and being without base, and of a thickness disproportionate to their height, are evidently of remote antiquity. Several buffaloes ranged free within the building, where no animal formerly entered but to be slain by the sacred knife. Is it not Ovid who has this expression, *rosea peste?* In vain will the traveller look for roses now.

"The attention of the curious was not directed to these invaluable pieces of Greek architecture until 1755. Then a young pupil in painting, who accidentally saw them, spoke of them in high terms to his master. Plans were soon afterwards drawn and published.

"Having gratified our curiosity, we departed for Salerno, where we had a very decent bed and supper. Had we been well informed, we should have set off from Naples early in the morning, and slept that night at Salerno. Thence we might have gone to Pesti the next morning, and returned the same day. Thus we should have escaped two disagreeable nights, which we were obliged to pass without pulling off our clothes.

"In our road home we examined the traces of Pompeia. It was discovered, not a great many years ago, a little below the surface of a vineyard. One of the streets is entire; and by the figures carved on the outside of some of the houses, you may make out the employment of the ancient occupant. The inside walls of the apartments were originally covered with stucco, painted in fresco. The designs are beautiful, and the colours still

lively. Pieces of this stucco are to be seen in the king's cabinet at Postici. A villa surrounded with colonnades, for the purpose of walking without being exposed to the scorching rays of a summer sun, is in excellent preservation. In various parts of the vineyard you may see holes in the earth, which answer to the shape of a human body or limb. The eruption of Vesuvius suddenly overwhelmed the whole city with its ashes, and left few, if any, of the inhabitants time to escape. Herculaneum and Pompeia both suffered the same fate about the same time, viz. in the seventy-third year of the christian æra.

"I must now carry you to the westward of Naples, whither I went, accompanied only by the count.

"Virgil's tomb lies near the grotta di Pausilippo, on the Naples side.* My admiration of this poet made me tread with veneration on the hallowed spot. Little else remains than an irregular broken mound of earth. Whether the laurel were planted there, or grew accidentally, I know not; but it is quite in character that the tree of Parnassus should grace the sepulchre of one so beloved by the Muses.

"La grotta di Pausilippo is a passage about a mile in length, hollowed out of a mountain, and makes part of the highway leading from Naples to Pouzzoli. This was probably its ancient use; for the old inhabitants of Egypt, Greece, Sicily, and Italy, were fond of subterraneous roads. Though I passed at mid-day, I was obliged to light my torch at the entrance. The distant aperture, which at first appeared very small, by enlarging as I advanced produced a pleasing effect.

"Pouzzoli offers, on all sides, fragments of temples, amphitheatres, &c. but none so considerable as to require particular notice.

"Baie, as well as Pouzzoli, is situated upon the Sinus Puteolanus, called by Tacitus Lucus Baianus. It was formerly deemed

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* Pliny, epist. xxi. lib. iii. testifies that this prince of Latin poets was buried at Naples. He says that Silius used to keep the birth-day of Virgil more religiously than his own. 'Neapoli maxime uti monumentum ejus adire ut templum solebat.'

a most pleasant place, and chosen as a summer residence by the Romans.

'Nullus in orbe locus Baiis prælucet amœnis.'

It is now ruinous and desolate, and the air from some cause is become quite pestilential:

——— 'succedunt tristia lætis.'

"Lake Averno is a very large bason of water encircled by mountains, which during the greatest part of the day exclude the light. Formerly the sides of them were mantled with wood, which must have added to the gloomy solemnity of the scene. For want of a free circulation the stagnated vapours may have become unwholesome, and driven away the birds, as the name *avernus* imports. (A priv. et ὄρνις *avis*.)

"The Sybil's grot is situated by the side of the lake. At first we were obliged to stoop, but that was for a few steps only. After proceeding but a very little way, we took a lighted torch in our hands, and mounted on the backs of our guides, who carried us through water into two damp chambers hewn out of the earth. One of them has two baths, which are supposed to have been formed for the occasional refreshment of the Sybil.

"Perhaps this grot, as it is called, was a road between Cuma and Lake Averno, of the same kind as the grotta di Pausilippo. The other opening on the side of Cuma favours the idea. The baths may have been made for the accommodation of passengers. Travellers would not make such a point of penetrating this fabled recess of the Sybil, were it not immortalised by the pen of the Mantuan bard.

'Spelunca alta fuit, vastoque immanis hiatu
Scrupea, tuta lacu nigro, nemorumque tenebris;
Quam super haud ullæ poterant impune volantes
Tendere iter pennis: talis sese halitus atris
Faucibus effundens supera ad convexa ferebat;
Unde locum Graii dixerunt nomine Avernum.'

Æn. lib. vi. 1.

"Yours, &c. B. H."

At a sale of the late marquis of Lansdowne's library, this book of travels, a small octavo, which Mr. Hobhouse had presented to that nobleman, was sold at the enormous sum of six guineas.

In the spring of 1785 Mr. Hobhouse returned from abroad, not having however completely answered the end proposed by his travels; and finding himself incapable of intense study in the labours of his profession, he quitted the bar, and in the same year married miss Charlotte Cam, daughter of Samuel Cam, esq. of Bradford, Wilts, a lady of elegant person and accomplishments, with the additional recommendation of a large fortune. With her he retired into the country, and lived for many years at Hastham-house, near Chippenham, Wilts. It was in this retreat that he wrote and published many tracts, principally of a political nature; and a volume of letters addressed to the reverend F. Randolph, on the Socinian controversy.

When both houses of parliament, and the people at large, were agitated with the discussion of the great question of the repeal of the test laws, moved by the right honourable C. J. Fox, Mr. Hobhouse first discovered that ardent desire for civil and religious liberty, which has since distinguished the whole of his parliamentary career. A pamphlet was at that time published by this gentleman, entitled "An address to the public in answer to the principal objections urged in the house of commons against the repeal of the test laws." How Mr. Hobhouse has acquitted himself in this answer,

we shall leave it to more competent judges to declare; but that the motive, from which his address sprung, was noble, and that the principles upon which he argued were good, few at this time have toryism and bigotry enough to deny. Mr. Hobhouse had, likewise, a printed correspondence with a gentleman on the subject of the riots at Birmingham, breathing the same sentiments of liberty with his former address. His next production was, "A treatise on heresy, as cognizable by the spiritual courts; and an examination of the statute ninth and tenth of William III. c. 32, intitled, An act for more effectually suppressing of blasphemy and profaneness, in denying by writing, printing, teaching, or advised speaking, the divine original of the scriptures, or the doctrine of the holy Trinity. By a Barrister at law. Atqui nos legem malam a mala nulla alia nisi naturæ norma dividere possumus. Cicero de legibus."

This treatise clearly shews that the author, although he had withdrawn himself from the practice of his profession, could not forget the theory which he had once imbibed. Here is a complete knowledge of the law, a vigour of argument, an eloquence of expression, that must claim the approbation even of him who may entertain different sentiments from the writer of the tract. It must be within the recollection of many gentlemen that Mr. Fox honoured this production with his recommendation: having said this, what praise is there that would not be superfluous? Besides several other

tracts, Mr. Hobhouse published "An inquiry into what constitutes the crime of compassing and imagining the death of the king, according to the statute of Edward III., in a letter to the reverend ——, by a Barrister at law." Here again the author displays no inconsiderable portion of legal knowledge, and once more stands forward as the champion of liberty, and the friend of reform. All these productions were rather the solace than the study of Mr. Hobhouse's retirement; and proved him to be formed more for the exertions of public life than the ease of a private situation.

At the latter end of the year 1791 he lost his lady, who left him five children (one of whom has since died), the eldest being six years of age. This is a misfortune generally afflicting, but seldom irreparable: there is no grief so acute which time cannot heal; no calamity so injurious which resolution may not conquer. Mr. Hobhouse, in 1793, married miss Parry, of Bath, sister of Dr. Parry, an eminent physician of that city; a lady every way calculated not only to alleviate, but repair his loss.

It was not till 1796 that he seemed inclined to obtain a seat in the British senate, when he offered himself to the citizens of Bristol as their representative. This great city had for some years been in a situation almost as lamentable as the most paltry borough: the influence of a great family was sufficient to return one member, and the other representative was supported by a faction which had separated itself from its natural allies; and, for the sake

of avoiding a contest, always took care to choose a gentleman not *totally uncongenial* to the other party. Thus (althqugh for the sake of distinction the first was denominated the high, the other the low, member) the difference of their respective sentiments could hardly be discovered either in or out of parliament. This deplorable case being observed and deprecated by some who denominated themselves, and fairly, the old whigs, on the approach of the general election a gentleman of talents and fortune, who professed with sincerity his adoption of those principles, was sought for, and at last discovered. Mr. Hobhouse stood for the city; but having to contend with the opulence of many, supported only by his own private purse; and finding that number is not always strength, nor virtue power; he declined the continuance of the poll on the evening of the first day. Almost immediately after this honourable defeat he was returned for Bletchingly; and in February 1797 was introduced to the house by Mr. Whitbread and Mr. W. Smith.

To trace this gentleman through the measures of his parliamentary conduct, must be pleasing to all those who are charmed with the virtue that is never corrupted, and the talents that are never abused. As his aim has been always to promote civil and religious liberty, so has he never deviated from that which leads to the accomplishment of this noble purpose. Whatever could be at any time done by personal labour, intellectual exertion, and unshaken

constancy, has he performed. Though never the slave of a party, his efforts have freely been directed to the support of those great statesmen whose sentiments have appeared to him to favour the cause of truth, and the rights of the constitution. To have acted at all times wisely is a praise which has been given to none, and which none can deserve; but integrity is within the reach of all, although it has been preserved only by a few. That Mr. Hobhouse has been one of these few, the honest few, whose public life has been governed by a strict adherence to a consistent rule of virtuous conduct, an examination of his parliamentary career will prove to all those whom party has not prejudiced, and bigotry not inflamed. On Mr. Hobhouse's entrance into the house, he soon commenced an active opposition to the minister, and warmly supported the principles of the party, of which Mr. Fox had long been the leader and the soul. He did not, however, attach himself to the men, but the measures; and always preserved that honest independance, which is as much violated by an unqualified adherence to whigs as to tories, to opposition as to ministers.

Mr. Hobhouse made his *debut* in the commons on the 28th of February, 1797, on the subject of the stoppage of the bank; and divided with a minority of eighty-eight upon Mr. Sheridan's amendment, viz. "That the committee should inquire into the causes which produced the order of council of the 20th instant;" and again, on the 23d of March, he spoke in favour of Mr. Fox's motion for an ad-

dress upon the Irish disturbances, and divided with the minority on that occasion. Mr. Hobhouse always shewed that the character he intended to support was that of the old whig. In his opposition to the late war, both in its origin and its conduct, he was constant and determined; no opportunity of displaying his love of liberty, such as it is defined by the British constitution, did he ever avoid or neglect; nor was Mr. Hobhouse content with a silent vote on any occasion, where the cause he espoused was in need of ability and eloquence. Those who examine the debates will find his name as a speaker in almost all of the principal questions which were agitated from the year 1797 to the retreat of Mr. Pitt from office.

The character of his oratory is unembarrassed fluency, ease, and eloquence; correct sentiments, polished diction, and a graceful delivery; neither tedious by being too slow, nor involved by rapidity. Mr. Hobhouse rather advises than commands, and rather persuades than carries away; as it has never been his wish to make the worse appear the better part, so has he seemed at all times to avoid the false glare of meretricious eloquence, and the ambitious ornaments of a studied style. With these talents for debate, Mr. Hobhouse continued to oppose every effort made by the minister to infringe upon the liberties of the people, and enlarge the prerogative of the crown. Neither his vote, nor his voice, were ever found wanting to the good cause in which he had engaged.

As it has been always necessary for each member of the house to apply himself to one particular branch of political study, that the country may know where to look for pure doctrine and sound information on every question. Mr. Hobhouse chiefly directed his attention to finance; and in this line he has often displayed a fund of arithmetical skill and practical knowledge which would reward and dignify the labours even of a chancellor. This may be seen from a perusal of the numerous financial speeches which he delivered in the session of 1797.

On May 15, of that year, Mr. Hobhouse stood forward as the friend of that degraded, abused, and injured, part of the species, which the luxuries of civilized mankind have doomed to misery and slavery, ignominious and perpetual. After a very eloquent and argumentative harangue, he thus gives his final reasons for his vote on that occasion: "We shall (says he), by voting the abolition of the slave-trade, have wiped out a foul blot from our national character; we shall have endeavoured to raise a portion of reasonable beings from a degraded state of brutality; we shall have used our utmost exertions to remove a strong impediment to the civilization and improvement of one quarter of the globe." Who does not see in this address the warmth of truth, and the eloquence of conviction?

On the 19th of the same month Mr. Hobhouse, in a speech of great length, summed up all the charges against the ministers, incurred by their con-

duct from the beginning of the French war; and the conclusion of his arguments is so pointedly directed, and eloquently enforced, that we hope the reader will excuse the insertion of it here. After having attacked the ministers for hurrying the nation into the war without cause, without justice, and without policy, he proceeds to shew the culpability of their conduct with respect to their refusal of the French proposals for peace.

"In short, sir, with ministers no time was proper for negociation. They were obstinately bent upon the prosecution of this disastrous war; a war in which they have expended one hundred and thirty-five millions; in which they have laid upon the people annual taxes to the amount of six millions; in which they have shed a profusion of English blood, without having attained any one of the objects for which the war was professed to have been commenced. Was it for the protection of Holland you drew the sword? Holland is not only no longer your ally, but is become the close ally of your enemy. Or was it for the re-establishment of monarchy that your armies took the field? You have been compelled to solicit a peace with the republic of France; to make a tender of reconciliation to the men who had imbrued their hands in the blood of that sovereign whose death you were so desirous to avenge. Did you engage in this crusade to prevent the dissemination of principles, which you anathematized as hostile to religion and social order? You have but added a fresh confirmation to the well-known truth, that force, instead of impeding, accelerates the progress of opinion. Has one of your menaces been carried into effect? Has one of your schemes been accomplished? Has one of your predictions been verified? You would march to Paris, and seize upon the persons of the convention. You are now preparing to defend your own coasts against the invasion of the same enemy. You encouraged the nation to prosecute the war, upon an assurance that the French were sometimes on the verge, sometimes in the very gulph, of bankruptcy;

but, alas! what is the state of our own finances? How low has our own credit been sunk by the discontinuance of the bank of England to make its accustomed payments in specie: an event which no man can lament more than myself.

——— 'Mutato nomine, de te
Fabula narratur.'

"But, sir, I will no longer dwell upon the calamities brought upon this country by the war so wantonly begun, and so injudiciously conducted. Let any serious reflecting man represent to his own mind those calamities, and he must surely feel the most ardent wish that his majesty would withdraw his confidence from the present ministers, and place the management of public affairs in other more efficient, if not more honest, hands.

"But, sir, to complete the picture, let us take a summary view of the conduct of ministers in the domestic government of the country; for this branch of the administration constituted also a part of the honourable gentleman's panegyric.

"Have they not extended the excise-laws? Have they not erected barracks in every part of the kingdom, so that the soldier, while he remains deaf to the voice of his fellow-citizens, is better able, should discontent find its way into the army, to concert measures with his comrades? Have they not, by the new treason and sedition acts, almost destroyed the liberty of the press, and nearly suppressed the voice of a people who would otherwise be loud in their outcry against the grievances which the framers of these statutes have inflicted upon the country? Did they not, for want of an early attention to the complaint of the seamen, change the humble note of petition into stern command, and thus expose the country to a most perilous crisis? Do they not at this very moment, by resisting the just claims of the Irish, and persevering in the same system of coercion by which we lost America, run the risk of losing Ireland also?

"Let me then appeal, in the most solemn manner, to the representatives of the people. Would you extricate your country from a ruinous war, and insure to yourselves the blessings of a solid, honourable, and permanent, peace? Address the king for the removal of his ministers. Would you prevent the dismem-

berment of your dominions, or, in other words, would you prevent the separation of Ireland from this country? Address the king for the removal of his ministers. Would you restore to its original beauty the defaced figure of your constitution; a constitution which is happily calculated to guard against the encroachment of monarchical power, on the one hand, and the excesses of unmixed democracy on the other; would you, I say, give to the British constitution its pristine purity and splendour? Address the king for the removal of his ministers."

From this specimen our readers will be able to judge of Mr. Hobhouse's oratorical talents. On June 2d Mr. Hobhouse made some observations on Mr. Pitt's motion with respect to the mutiny at the Nore; but concurred with Mr. Sheridan in his assent to the measures of government, reserving, at the same time, a liberty to himself to object to the bill in its other stages, which he accordingly did in a speech of some length, upon the principle, "une loi rigoureuse produit des crimes." "Nothing," says Mr. Hobhouse, "can be more true than this observation. Juries become slow to convict; hopes of impunity increase the number of offenders; and thus the nation becomes every day more and more wicked. By the effect, then, which cruel punishments produce upon the morals of a people; by the veneration with which the code of jurisprudence and the legislature of the country ought to be regarded; by the uniform series of examples in the page of history, all of which make it appear that those periods, during which sanguinary laws prevailed, have ever been most unfavourable to liberty; by these united considerations let me implore the

house not to be precipitate; let me implore them to consider well before they adopt measures of extraordinary harshness. For my own part, sir, until by fair experiment I am satisfied of the inefficiency of the present laws, I cannot give my consent to this bill, or any other of the same kind; and shall therefore oppose your leaving the chair."*

The proposition here maintained cannot be disputed; but it will astonish every one to hear that, on the motion being put, Mr. Hobhouse was the only dissentient voice.

He next opposed the additional stamp-duty on newspapers, because he considered it as "subversive of the liberty of the press, and part of that system upon which ministers had uniformly acted."

On November 3d, the second session of the eighteenth parliament, Mr. Hobhouse made the following motions: That there be laid before the house an account of the nett produce of the taxes for one year, ending the 10th of October, 1797, distinguishing the produce of each quarter, and distinguishing the duties that were imposed in 1793 to 1797. Ordered.

On the 22d, Mr. Hobhouse again opposed the restriction of cash payments at the bank, in a speech which was answered by the chancellor of the exchequer. But the speech upon which he may

* This and the other speeches are abstracts from Debrett's Parliamentary Register.

fairly rest his pretensions to the character of an able financier and an eloquent debater, is that which he delivered in December, on the minister's proposition for raising the supplies by means of multiplied assessed taxes. Those who examine his assertions will find them grounded on truth; those who peruse his language will acknowledge it to be elegant, and in the highest degree oratorical. Indeed these, with the remarks which Mr. Hobhouse made upon the third reading of the bill, may be considered as offering the most solid objections to that system of finance, which the minister himself was afterwards obliged to acknowledge to be unsatisfactory and inadequate.

On the 19th of the following February, 1798, we find Mr. Hobhouse moving for other financial papers, which he renewed on March 13. On the 3d of April he supported the motion for the abolition of the slave-trade, with his accustomed eloquence and strength of argument; and on the 16th he entered at length into an examination of the questions arising from the proposal for the sale of the land-tax. Here he was the most formidable of the opponents of ministers; and displayed a genius made useful by assiduity, and improved by experience. On the motion for the suspension of the habeas corpus on the 20th, he delivered his sentiments in opposition to the measure; and on the 23d, the delay of a fortnight for the consideration of the land-tax redemption bill, proposed by Mr. Joliffe, was ably, and at considerable length, sup-

ported by Mr. Hobhouse. During the whole of this session indeed Mr. Hobhouse appears to have been the most active debater of the opposition; and the attention which he paid to the duties of his situation was at all times ardent and unremitting. Although Mr. Fox, and those who have been denominated the leaders of the whigs, did not think it inconsistent with their duty to retreat from the execution of their parliamentary functions, the subject of this memoir did not, therefore, desert the standard, which those who had reared it were unwilling any longer to defend; he did not surrender his mind to inactive and culpable despair, but still continued to persevere in his endeavours to expose the ministers, to reprobate, to confound them. He did not, however, stand entirely alone; from Mr. Tierney he received constant, from Mr. Sheridan occasional, support: nor could the seceding members fail to admire the vigour of his efforts, at the same time that they despaired of their producing the desired effect. In the following session, December 4, he opposed Mr. Pitt's income-tax with the same depth of reasoning and eloquence of language, as he had employed against the minister's proposal for the multiplied assessed taxes. He then prefaced a long speech with the following remarks:

"Before I proceed to give my sentiments upon the principles of the plan, I cannot but remark how often the financial projects of the right honourable gentleman have proved abortive. With respect to the shop-tax he was eager and earnest; but it has been abandoned. He was no less sanguine in his hopes of the watch-tax, that also he has been compelled to relinquish; but although

it was repealed, a mortal blow has been given to that branch of trade, from which it will never recover. To the scheme of the assessed taxes last year the right honourable gentleman was as fondly and firmly wedded. The bill was ushered into the house with the warmest encomiums, and with the greatest confidence in its productiveness and success; but he now finds, and confesses, that this resource has failed, or at least has fallen short of the lofty expectations he had formed."

It is from truth thus plainly told, and facts thus accurately collected and considered, that the house and the nation must ultimately learn wisdom, after the blaze of false eloquence has ceased to dazzle, and the lofty periods of wordy statesmen are passed away and forgotten. The praise that has been given to the other specimens of Mr. Hobhouse's eloquence cannot be refused to the admirable effort which he made against the Irish union. No one that heard him on that occasion can forget the strength and perspicuity of his reasoning, the vigour and propriety of his oratory. It was this session that Mr. Hobhouse made one of the members of the committee appointed to examine into the state of the prisoners confined in Cold Bath-fields prison. Nothing that activity and attention could do was omitted by him; but not even a redressal of grievances can be effected against a majority. About this time also Mr. Hobhouse took upon himself the management of Mr. Palmer's parliamentary appeal: how he discharged this trust Mr. Palmer must at all times be willing and happy to inform every inquirer; and were this gentleman's testimony refused, the house and the public are sufficiently acquainted with

the vigour of his exertions on that occasion to know, that the cause of justice, private as well as public, will always find in him a strenuous and able defender.

On the 25th of June, upon the consideration of the treason forfeiture bill, Mr. Hobhouse delivered what has been considered as one of the best legal speeches ever heard within the walls of St. Stephen's; he could not forget the acquirements that he had made in the profession for which he was intended, but produced them in the cause of justice, humanity, and sound policy, aided by all those powers of eloquence, which genius and parliamentary experience had taught him. He concluded with the following appeal to the chair:

"Would you, sir, prevent the spread of treason and sedition? It is to be accomplished, not by coercive laws, not by rigorous punishments; but by the correction of abuses, by the redress of grievances, by the mildness of your government. Thus you take away from the ambitious and the desperate every engine calculated to work upon the minds of the lower orders. There is no truth of which I am more strongly convinced than this; that no insurrection, on the part of the people, for the purpose of effecting a change in the form of government, can ever rise to a formidable height, if their freedom be not violated, if oppression be not suffered to exist. From every view which I am led to take of this subject, I must oppose, sir, your leaving the chair. I wish I could flatter myself that the house was likely to concur in the sentiments I have expressed; for I should then indulge the pleasing prospect that, upon the decease of the cardinal of York, men would be no longer liable to be tried after their bones had been deposited in the sepulchre of their ancestors; that the sacred silence of the grave would be no longer profanely disturbed; and

that innocent orphans, and their posterity, would be no longer devoted to infamy and ruin."

The fate of the opposition to the bill is well known; and we must blush to own, that no eloquence could so far influence the house, as to produce a larger minority than ten, of which sir F. Burdett and Mr. Hobhouse were the tellers.

A spirited and able recrimination of the premier was made on February 7, 1800, upon the rejection of the French overtures for peace, by Mr. Hobhouse, who had been disabled by a severe indisposition from voting or speaking on the former night, when the seceders appeared in full numbers against the ministers. He shewed himself, in this instance likewise, a powerful debater; and on the 19th, even his political enemies could not fail to pay the just tribute to his consistency and abilities. On that night he opposed the continuance of the suspension of the habeas corpus, with that weight of argument which could arise only from the conviction of the justice of his cause; and, though almost alone, dared to tell his multitude of opponents, "that to grasp at illegitimate power by a system of terror was a leading feature in the proceedings of the present administration." He shewed in its proper light the daring attack that had been made on the constitution by the treason and sedition bills; and laid bare to the view of an indignant people the horrid recesses of the state-prisons, the dungeons, the gaoler, and the torture: it would be unjust to quote particular excellences; he that would see the strength

of the edifice must survey the whole structure; but, in justice to Mr. Hobhouse's political sagacity and foresight, it is necessary to give his prediction of an event which actually took place. After telling the ministers that their treatment of suspected persons was a gross violation of the constitution, he adds: "For such conduct ministers must, at a future time, come down to the house, and pray for a bill of indemnity to shelter themselves against the punishment which they so justly merit." It is in the recollection of all, that Mr. Pitt and his colleagues did come down to the house, and did pray for this very bill of indemnity.

This session Mr. Hobhouse was, if possible, more active than in the former; not a tax was proposed, not a motion made, upon which he did not comment; and by this activity improved his own stock of knowledge, and increased the reputation he had already acquired. On June 23, he made another great stand in favour of religious liberty, by defending the cause of the Roman catholics; for this effort we have every reason to believe that Mr. Hobhouse received the thanks of all the respectable men of that persuasion in the kingdom. On the 9th of June we find him speaking at length against the New-forest bill; and a letter of thanks, which he received for his exertions on that occasion, was publicly read in the house. On Mr. Western's motion for a committee to take into consideration the state of the nation, Mr. Hobhouse, after employing every power of argument and eloquence, was one of the

tellers for the minority. Upon Mr. Jones's motion for papers relative to the treaty of El Arich, on the 20th of November, in the next session, he was not content with supporting his friends by a silent vote; and on the 27th we find his name in the list of opposition, on Mr. Tierney's motion for an inquiry into the state of the nation. The house again heard Mr. Hobhouse advocate the cause of the liberty of the subject, on the 12th of December, when the suspension of the habeas corpus was once more proposed. On the 18th he renewed his attack, by combating in every point of view Mr. Abbot's motion for prolonging the suspension. The motion for the address was opposed by Mr. Hobhouse, on February 3, 1801, which we believe to have been the last speech of length that he delivered during Mr. Pitt's administration. When that great man retired from office, and Mr. Addington accepted the seals, it was, no doubt, expected by those who were not sufficiently acquainted with Mr. Hobhouse's incorruptibility and consistent politics, that he would fill some distinguished office under his right honourable friend: this, however, was not compatible with Mr. Hobhouse's sense of duty. As he had never identified himself with Mr. Fox, he had a right to support his friend where his principles would allow him: buthe would not accept of a place; he would not defend the new ministers whilst the war was continued, and whilst the bills subversive of liberty were suffered to remain in force. Accordingly we at no time find Mr. Hobhouse more active

in opposition than during this session. On the affairs of Ireland, February 19, he spoke at considerble length, with unimpaired vigour and wonted eloquence; and on the same night voted for the inquiry into the conduct of the expedition to Ferrol. It was during this session that he gave notice that he should bring before the house a motion with respect to Malta; but the death of the emperor Paul rendered it unnecessary. That Mr. Hobhouse would have acquitted himself to the satisfaction of the public no one can doubt who is acquainted with his powers of application, and his oratorical talents. On the bank forgery bill the country banks found in this gentleman an ardent friend, who rescued them from the charges under which they had fallen with considerable adroitness.

This memoir is not to convey censure on others that its own hero may be praised; but a parallel might be drawn between the open and unreserved conduct of Mr. Hobhouse, and the cautious and interested policy of those who would not freely support what they had freely called for; who murmured when the peace, the object of their wishes, was obtained; and refused their confidence where they could not deny their approbation. On the signing of the preliminaries, and on assurance that the obnoxious bills of the last minister should be suffered to die away, Mr. Hobhouse boldly crossed the house, happy that private friendship and public duty pointed to the same road; he did not, however, make any bargain, or require any stipula-

tion: he had not been accustomed to ask for rewards for doing right. The speech that he made on the debate upon the preliminaries, appears to contain his motives and intentions, as may be collected from the conclusion.

"I offer my warmest thanks to his majesty's ministers for the favourable and happy conclusion to the negociation with the French republic. With the greatest satisfaction I give my consent to the preliminaries; and if the future conduct of ministers shall be conformable to the specimen they have now given; if the pacific system shall appear to prevail in all their councils; and if they shall not continue the existing encroachments upon the constitution beyond the date assigned for their expiration, they shall have my unbounded confidence, and cordial support."

Mr. Hobhouse has since that time supported Mr. Addington with the same reserve for conscience and consistency as he has always maintained. On the subject of the slave trade and catholic emancipation, his principles have not allowed him, at any time, to support his right honourable friend. Mr. Hobhouse seems for some time to have suffered his vote to be given in silence; but every one who is acquainted with the house of commons, must be aware, that the debaters on the side of ministers are generally only those who are officially concerned; he that should use the same exertions in swimming down the stream, as are necessary for those who struggle against it, would be but idly laborious, and uselessly busy. Mr. Hobhouse has, however, been active in the private business of his station. He made one of the famous civil list committee, and was a zealous member of that appointed to consider the propriety

of Dr. Jenner's claim to parliamentary reward. On the dissolution of parliament he was returned for Grampound. In November, 1803, Mr. Addington thought proper to confer upon him, as a mark of his approbation and friendship, the honourable and confidential post of chief secretary to the board of controul; this, no doubt, was considered by all as a step to further distinction, from which, however, he was entirely precluded by the retreat which his friend made from office in 1804. That Mr. Hobhouse did not remain in his post can only be attributed to his integrity, as it is generally understood that the premier who succeeded was by no means willing that he should retire. When lord Sidmouth accepted of the presidency of the council, Mr. Hobhouse's was one of the names handed about, as stipulated by the president to receive places. However that may be, we find Mr. Hobhouse at this period, when his friend's voice might restrain the violence of Mr. Pitt's councils, not refusing to give his support to the ministry. But this coalition was soon disturbed, and at last destroyed, by the determination shewn in Mr. Pitt to screen lord Melville from prosecution; and he was again in opposition, as was clearly shewn by his support of the amendment for a criminal prosecution against the above mentioned nobleman.

Since the great revolution which has taken place in the internal politics of Great Britain, and the return of lord Sidmouth to office, Mr. Hobhouse is again qualified conscientiously to hold an official

situation, which his active abilities and integrity have a right to demand. That he is every way fitted for office, the public approbation given by the East India company of his conduct whilst at the board of controul, is sufficient to prove. Mr. Hobhouse is one of the three commissioners appointed by the company for investigating the debts of the late nabobs of the Carnatic; a trust of high responsibility, when we consider the vast sums of which that board must have the disposal.

Thus have we performed the pleasing task of tracing this gentleman through his public life. With respect to those traits of private character, which intimacy only can afford an opportunity of sketching, it is not in our power to speak; although we have no doubt there would, on examination, be found nothing incongruous, "nil non decens et vel in medullis illustre." Of those excellences, however, with which the world is acquainted, it is in the power, and it is the duty, of the world to make mention. There are few public charities of which Mr. Hobhouse is not a warm supporter; and of the arts and sciences his taste prompts him to be a zealous patron. In December, 1798, he was elected a fellow of the royal society; and we find his name amongst the list of managers at the royal institution. In his own county (Wilts) he is universally respected, as was shewn in a very signal manner by his unanimous election to fill the place of president of the Bath and west of England agricultural society, on the resignation of his grace the duke of

Bedford. He who looks into the roll of the members over whom he presides, will see contained in it some of the most distinguished characters in Great Britain, as the institution is, in its origin, even prior to the national board.

It is true, that virtue without ability, in its public effects, is almost as useless as talents without goodness are pernicious; but it is no more consistent with propriety to exalt the one than to expose the other. How fortunate is it for the cause of virtue when these good qualities of the head and heart are united! Mr. Hobhouse is one in whom this happy conjunction is to be found; being respected, both in private and in public, as a man of acknowledged talents and undoubted integrity. But we must now take our eyes from the picture to observe the original; and cease from admiring the past transactions of his life, that we may have the better leisure for contemplating his present, and his future, course.

LORD REDESDALE.

JOHN MITFORD, BARON REDESDALE, LATE LORD CHANCELLOR OF IRELAND.

OUR ancient nobility consisted solely of *men of the sword*. In times of anarchy and confusion the feudal baron was a warrior; and contests among individuals, as well as between nations, were regularly decided by an appeal to arms. In this state of

society every great proprietor of lands, immured within a castle, defended by battlements, and surrounded by a moat, considered himself as the governor of a fortress, which he sometimes defended against his neighbours, and sometimes against his sovereign.

But, happily for the nation, the times are altered; and civilization has produced not only security, but a far more liberal cast of manners. The arts and sciences, alike unknown and uncultivated during the barbarous times to which we allude, have since reared their heads, and acquired a certain degree of perfection: military merit is still estimated indeed, but virtue and talents are now also respected, venerated, and promoted.

On turning over the list of, and looking into the descent of, our modern peers, it will be found that a large portion of them has been indebted for elevation to the law. A *call* to the English bar presupposes a liberal* education, as well as considerable

* When the court of common pleas was first rendered stationary by the statute of Magna Charta, the students of the law, as well as the officers of that tribunal, appear to have settled themselves in the neighbourhood. Edward I., for their more regular government, commanded John de Mettingham, then lord chief justice, and the other justices, "that they should provide and ordain, at their discretion, a certain number of attorneys and apprentices at law, of the better, lawful, and most learned men in every county, who might best serve, and be most profitable, to his court and people; and that those, and no other, should follow his court, and solicit business there; and it seemed meet to the king

attainments; and an eminence at it is sure, sooner or later, to lead to fortune, and even to hereditary honours. The student's gown gives way to that of the barrister; the stuff to the silken robe; and that in its turn, in due process of time, is frequently exchanged for the judge's ermine.

To two * great officers of the law, in England, the dignity of the peerage has been generally annexed of late years; and to a third † it has been occasionally appended. In Ireland also, we believe, the lord chancellor has usually attained the rank of nobility in that country, although he has never, until a late instance occurred, been a member of the British peerage. In short, a large and respectable increase to the aristocracy has been derived from the law; and there is every reason to suppose that this profession, in consequence of its wealth and influence in a free country like our own, will continue to add to its numbers.

John Mitford, lord Redesdale, was born August 18, 1741. His family appears to have been of con-

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and his counsel that *seven score* were a sufficient number, notwithstanding the justices were allowed to support a greater or lesser number, and ordered to dispose of the residue of them, according to their discretion."

The students alone, in after times, increased to upwards of a thousand; and they were all said to be "filii nobilium," or gentlemen's sons."

* The lord chancellor and chief justice of the court of king's bench are now always peers.

† Chief justice of the common pleas.

siderable antiquity in the north of England; for sir John Mitford, knight, was lord of Mitford castle, in the county of Northumberland, so early as the time of William the Conqueror. As he left no male issue two collateral branches succeeded; the elder was related by means of an intermarriage of his only daughter with the Bertrams, barons of Mitford; while the younger produced the Mitfords of Rolleston; the representative of whom, Robert de Mitford, received a grant of the ancient inheritance of the castle alluded to above, from the crown, so late as the reign of Charles II.

William Mitford, of Newton-house, in the county of Hants, esq. the fifth in descent from the above, had an heir John, by Margaret, daughter of Robert Edwards, of Wingfield, in Berkshire, and of London, merchant. He was a member of Lincoln's-inn; and having married Philadelphia, daughter of William Revely, of Newby, esq. the subject of the present memoir was one of their two sons.

John, the younger, after receiving an excellent education at Oxford, determined to follow the profession of his father, who died when he was only fourteen years of age. He accordingly was entered of Lincoln's-inn, and ate his way to the bar, *more majorum;* for we believe that in his time *trenchers* were still in use,* and *mootings* were not then en-

* They have been exchanged of late years for plates, in consequence of the progress of modern refinement. We have been lately told by a *senior* of this inn of court, "that those wooden implements were a great enemy to *gravy*."

tirely out of fashion. As is usual with all young men, he attained some practical knowledge at the chambers of a pleader; and having attached himself to the chancery bar, soon acquired great facility in the technical forms incident to a court of equity. Such indeed was his proficiency, that he at length was supposed to be perhaps better acquainted with the nature of the proceedings, the remedial application of them, and the scope and intent of that conscientious species of justice which is intended to interpose so as to soften the rigours of the law, than any other man in England.* His labours, in this instance, were crowned with the most complete success; and he, together with the late lord chancellor† of England, accordingly *led* in that court, where one of them was destined soon after to preside.

Such a distinguished situation of course enabled Mr. Mitford to attain wealth and eminence. In addition to these he also obtained a silk gown, and with it all the advantages arising from the office of

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* So early as 1782 Mr. Mitford published "A treatise of pleadings in suits in the court of chancery by English bill." Another edition was printed in 1787; and in respect to this work it has been observed by a legal critic, "that he has deduced, in an enlarged analytical method, a rational system of that branch of the practice of the court of chancery, illustrated and supported throughout by references to the authorities of rules, orders, and determinations, of that court, in the matters incident to this branch of its jurisdiction."

† Lord Eldon.

king's counsel. He afterwards had the honourable appointment of a Welsh judge conferred on him; on which occasion he was nominated one of the justices of the grand sessions for the counties of Cardigan, Pembroke, and Carmarthen.

In the mean time he had obtained a seat in the house of commons, having been returned about the year 1783, or 1789, for a borough in the west of England, the nomination to which is understood to have been procured through the friendship of a noble family to whom he was related.

At first Mr. Mitford spoke but little in the house; we find him however, soon after, debating on most of the great objects that came under its cognizance. In 1790, when the "tobacco-amendment bill" was read a third time, although he professed himself a warm admirer of the trial by jury, yet he objected to the extension of that mode of decision to the excise laws. He also spoke several times during the trial of Mr. Hastings, and supported the petition of that gentleman, May 1, 1789, complaining of the introduction of irrelevant matter, at the bar of the house of lords. On this occasion he reminded the members, that the prosecution should be conducted in such a manner as to do honour to their branch of the legislature, and that two things in particular should be strictly adhered to, viz. "never to bring forward a fact that was matter of calumny to the accused, or to inflame the passions of those who were to decide as judges."

We have now arrived at a period of Mr. Mit-

ford's life which reflects no little credit on his liberality. On the 23d of June, 1789, this gentleman moved for leave to bring in a bill "to relieve, upon certain conditions, and under due restrictions, persons called *protestant catholic dissenters*, from certain penalties and disabilities to which papists, or persons professing the protestant religion, are by law subject."

He began by stating, "that most of the existing statutes against Roman-catholics were grounded on political principles; and had been introduced with a view to guard against the evil effects of the dangerous doctrines maintained by papists, at a period when such doctrines, if enforced and unresisted, might have produced the most serious consequences to the protestant succession.

"An act passed in the reign of queen Anne, professed to be a statute calculated to answer a political purpose, and no other; but the reason for guarding against the political prejudices of Roman catholics was now no longer in existence; for men's minds had been illumined, and their eyes opened.

"In consequence of this change, the class of people just alluded to had become loyal and affectionate, and as zealously attached to the family on the throne as any other description of subjects. In short, they had evinced their zeal and fidelity in an eminent degree on a late memorable occasion; and wished to give the legislature every test that a solemn appeal to the Deity could convey of their allegiance to his majesty, and of their protestation against the right of all pretenders to the throne, other than the descendants of the reigning family."

He then stated the chief object of the bill to be, "to draw the great line of distinction between *papists, protestant, and dissenting catholics*; and to grant to the latter the same sort of relief in matters of opinion and ceremony that was at present enjoyed by protestant dissenters of another descrip-

tion." It was not, however, until March, 1791, that sir John Mitford, who by this time had obtained the appointment of solicitor-general, together with the *official* appendage of knighthood, was enabled to carry his intentions into effect. But on that day he again took a review of the penal laws contained in the statute books of this country against Roman-catholics:

"Most of these (he observed) were in their nature and form sanguinary and severe. For particularly unjust and unnecessary he would maintain them to be, in respect to that class of catholics which he wished to have included in the provisions of the bill: those he meant who had taken such a protestation as might be prescribed to them after being agreed upon, and fixed in such a manner as the wisdom of the house might adopt, as best suited to the safety of the state (if any idea of danger existed), as well as to the relief of those whom he would not hesitate to pronounce as loyal and well attached subjects to his majesty's person and government as any class of men within the British dominions.

"It was not his intention to say how far a government ought, or ought not, to interfere with the religious and political opinions of the people; to overturn the principle of such intervention was not the object of his motion: those acts were made against men supposed to be hostile to the laws, and the prince on the throne: those on whose behalf he spoke held no such principles, but were as loyal subjects as any in the kingdom. He proposed no repeal of those statutes, which he held to be a disgrace to the law books, but merely an exemption from their operation in favour of a few. So small, he said, was the exemption, that there was no occasion for any alarm; nor did he think there would be any apprehension if all the Roman-catholics were to be at once freed from the operation of those harsh and severe statutes. It was, in his opinion, proper to attend to popular prejudice; and therefore to impress the most perfect conviction on the public mind, that toleration alone was desired, he proposed not to admit the persons in question to

situations of trust, or places under government, but was only anxious to have them considered as men of honour and loyalty, and good christians, although they differed with us in the forms of religious worship.

"Sir John stated, that, at various periods of our history, Roman-catholics had acted in a similar manner, in the reign of queen Elizabeth, king James, Charles II., and other sovereigns; that they had, at different times, protested against the power of the pope to absolve from the oath of allegiance. Others had remonstrated against it; and they had assumed different appellations, some calling themselves protesting dissenters, others remonstrants. At one time they were extremely ill-treated by their brethren who would not protest, and were much persecuted by them; but relief had been afforded them by various acts of parliament in the several reigns to which he had alluded."

He concluded with moving, "That leave be given to bring in a bill to relieve protestant catholic dissenters," &c.

Men of different parties in parliament approved of this salutary measure; and while Mr. Fox and Mr. Pitt assented to its principle in one house, the late archbishop of Canterbury, and late bishop of St. Asaph, then bishop of St. David's, agreed to it in another. In consequence, however, of some objections of a technical nature the bill was recommitted; and a period of near two years intervened before its politic and humane provisions were carried into a law.

On this occasion it was accompanied by a clause of a pecuniary kind, relative to the double assessment to the land-tax: a distinction odious in its own nature, and inconsiderable when contemplated as an object of revenue.

It has already been observed, that the subject of

this memoir *glanced* at the conduct of the managers of the impeachment against Mr. Hastings, during the proceedings at the bar of the house of lords. Soon after the meeting of the new parliament (December 23, 1790) a question was stated, and argued with great abilities on both sides, "Whether an impeachment ought not to abate by the dissolution of parliament?" Sir John, who had been returned for Beeralston, after professing a warm attachment to the constitution, which had been much indebted to the lawyers for the happy mixture of the powers so well poised in it, whence it derived its principal beauty and excellence, observed, "that one inherent principle was, that the crown commanded the activity and exertion of its different powers."

In support of this position he referred to the general administration of justice; instanced the hardships attending the discontinuance or revival of suits in ordinary courts of judicature; and observed that there were always days appointed for putting in appearances. The same rule of law obtained in parliament. By the king's proclamation a session was to be held upon a particular day; and upon the authority of lord Coke, every session is a new parliament.

"A great difference, in his opinion, existed between writs of error, or appeals, and an impeachment. Writs of error and appeals were regulated by the laws and customs of the realm, modified by the usage of parliament; but impeachment was al-

ways governed by the law of parliament only. In short, upon a dissolution impeachments must abate; since a person impeached is put *without a day*, and that consequently entitled him to a discharge."

He next contended, "that the house had no power to revive an impeachment, since it is an acknowledged principle of the constitution that the parliament should die, and all proceedings determine with its existence." He then concluded by observing, "that he would have opposed every resolution in *statu quo*, had judgment been demanded by the last parliament against Mr. Hastings, because he was not in the house for two years after the impeachment had been prosecuted; and therefore, as he had not heard the whole evidence, he could not in conscience vote for such a resolution. Such was precisely the case with many other members of the present legislature: and as to the question, 'Whether an impeachment was depending?' he was clearly of opinion that it could *not*, as it had died a natural death at the dissolution of the late parliament."

It was on May 25, 1791, that the principal* member of the opposition brought in his celebrated bill respecting libels, the preamble of which stated: "That whereas it was the *right of juries*, in *criminal cases*, wherein a general issue was joined, to give a *general* verdict of *Guilty*, or *Not guilty*; and whereas doubts had arisen whether juries were enti-

* Mr. Fox.

tled to the same right, in cases of issue joined on indictments or informations for libels," the bill proposed, "that it should be declared and enacted, that the right of juries to give a general verdict on a general issue, extended to prosecutions on libels, as well as all other proceedings whatever in criminal matters."

Mr. Fox having moved, that the bill should be read a second time,

Sir John Mitford rose and observed, "that the bill was undoubtedly of great magnitude, and was very well entitled to the most serious attention of the house: a measure calculated to alter the established proceedings of the courts of law ought not to be passed in a hurry, but ought to be discussed with great gravity and deliberation.

"No man could revere more than he did the institution of juries, which he considered as the bulwark of public and private liberty. At the same time he thought that house would do well to pause a little, before it resolved to unsettle doctrines of law which had almost uniformly prevailed ever since the Revolution; or to take away that jurisdiction which appeared, from the practice of the courts ever since that period, to belong to the judges, and not to the jury.

"No one would suppose that the judges of the present day could have any *personal* interest in withholding from juries any of their legal and constitutional functions; they could not possibly have any other wish than to preserve the uniformity and consistency of legal decisions. If judges were to consult only their own personal interest, they would rejoice at a measure which would throw upon juries the exercise of an ungracious office. A general verdict of a jury, in case of libels, would conceal the ignorance of a judge, if he should happen to be so little acquainted with his profession as not to be able to lay down clearly the law on the particular question: if he was corrupt, the general verdict would cover his corruption.

"This bill would, no doubt, consult the ease of the judges; but in so doing, would it be of use to the public? These observations, he said, he had thought it necessary to make, for the purpose of preventing the house from passing, as a matter of course, a bill which, in his opinion, was of the utmost importance."

The solicitor-general then expressed a hope, "that gentlemen would pause a little, and consider the bill well, before they admitted it to be read a second time. In recommending this to the house, he had no object whatever in contemplation but to preserve, distinct and separate, the respective rights of juries and of judges: a distinction that ought to be duly attended to. He was persuaded he should do injustice to the right honourable gentleman who had brought in the bill, as well as to his honourable and learned friend,* who had seconded the motion, if he thought they had not introduced it from the purest regard to the constitution, and from a conviction that it would completely answer the end they had in view; namely, to supply the defect in the law, as it now stood, with regard to libels. The country, he thought, was under great obligations to them for the laudable attempt.

"By interfering on the present occasion, sir John said, he was anxious only to do his duty to the public: he was rather doubtful, from the preamble of the bill, whether it would make that provision for the constitution which was intended. He begged, however, not to be bound by any thing he then advanced on the subject, but he thought the preamble of the bill went too far. His honourable and learned friend had expressly declared, on a former day, that, if he were called by his majesty to the bench to-morrow, he should think himself bound to direct a jury in the same manner as the judges had hitherto decided; and to follow the opinions of lord Mansfield, sir Dudley Ryder, lord chief justice Lee, and lord Raymond, such as had been practised ever since the time of the Revolution. He wished the bill might be printed; and that some time might be given to consider whether it would leave the functions of judge and jury so free, and so uncomplicated with each other, as the gentlemen who moved the measure would wish them to be."

* Mr. Erskine, now lord chancellor.

By opposing this and the former measure the subject of this memoir doubtless acted in strict conformity to his own opinions; but he failed on both occasions; and we must be candid enough to declare our own thorough conviction as to the propriety and reasonableness of the principles against which he objected. In the one case the power of the parliament against state delinquents was increased, and in the other the authority of juries was enlarged.

During the period at which we have now arrived the situation of this country was critical in the extreme; and the task assigned to the subject of this memoir must be expected to have been peculiarly delicate. The minister, once adored by the whole nation, began to be viewed with jealous eyes by a large portion of it; and an attempt was made to carry into effect the schemes of reform which he had abandoned, by men who neither possessed his talents nor his influence.

The revolution in France had not as yet exhibited any of those atrocious features which it has since displayed; and while certain societies in England considered this awful crisis as the morning-star of liberty in a neighbouring nation, they displayed no common degree of zeal to remedy abuses in their own.

Neither of these circumstances, if taken singly and by itself, could have been deemed treasonable; but to couple them together, and either to find, or to deduce, a connexion, was a circumstance likely

to fix an odium; and not only overturn the projects of those hopeful reformers, but bury them under their own ruins.

That there was any plot then really formed against the state, has been since negatived by the verdict of a respectable jury, and indeed by the charge of an able judge no more in existence. But the cabinet of that day, determined to try certain persons *capitally*; and instead of indicting them for a misdemeanor, of which they were perhaps guilty, chose to accuse them of high treason, of which they have since been absolved. The law officers of the crown, who on this occasion acted *ministerially*, of course obeyed; and in the discharge of their official duty did all that could be expected from them.

But the trial of Hardy alone decided his own fate and that of his supposed associates; after that the acquittal of the rest followed of course.

The solicitor-general, on this occasion, entered into a long and elaborate argument on the law of treason, and applied the specific provisions of it to the present case, in a speech which occupied many hours in the delivery. After touching upon the evidence, and stating the candor of the crown in concealing nothing from the jury, he observed with great liberality, "that all evidence either defective or contradictory was to make for the prisoner.

"And now, gentlemen of the jury (continues he), I have nothing more to offer. I have discharged, God knows, with much pain the harsh duty imposed upon me. You will now do yours.

If your verdict shall discharge the prisoners, I know you will give it with joy; if the contrary, yet it must be given. The cup, although it may be bitter, must not pass away from you. I have had a duty to perform beyond my strength and my ability: I have discharged it faithfully and satisfactorily to my conscience." Sir John Mitford was so much affected on the occasion, that when he concluded, the tear was seen to roll down his cheek.

In the course of the war with France, sir John supported Mr. Pitt's administration, and spoke upon almost every public subject that occurred; he also acted for some time, during that period, as his majesty's attorney-general: a situation that requires no common portion of talents and industry.

When the premier retired from office, and was succeeded by the present lord Sidmouth, then Mr. Addington, the chair of the house of commons, to which is attached one of the most honourable and important offices in the empire, became vacant; and the subject of these memoirs, who had been recently chosen for East Looe, being deemed a fit person to fill it, on February 18, 1801, he was accordingly elected. He was proposed, on this occasion, by lord Hawkesbury, who was seconded and supported by Mr. J. H. Browne, Mr. Pitt, Mr. Martin, and others.

But the duties of speaker were fulfilled during only a few months by sir John. A new employment, and new honours were in store for him, as it was determined that he should receive the great seal

of Ireland, and be invested, at the same time, with an English peerage. The cabinet was, doubtless, inclined to this measure in consequence of his early habits in life; and it was but fair to suppose, that he who had distinguished himself in a British court of equity, would be admirably calculated to preside as the chancellor of another portion of the empire.

In consequence of these arrangements, when the house met, on February 9, 1802, Mr. Ley, the clerk, rose, and stated that he had received a letter from Mr. Speaker, which, with permission, he would read.

"SIR, "Palace-yard, February 9, 1802.

"His majesty having been graciously pleased to signify his intention to appoint me chancellor of Ireland, it becomes my duty to resign my office of speaker of the house of commons.

"I have therefore to entreat of you to communicate my resignation to the house at their meeting of this day. I request that you will, at the same time, have the goodness to express to the house the extreme reluctance with which I relinquish the high and honourable station to which their favour had raised me; and to return them my warmest thanks for the kind and liberal support which they afforded me in discharging the duties of that arduous and important office.

(Signed) "JOHN MITFORD."

The chancellor of the exchequer (Mr. Addington, now viscount Sidmouth) seized that opportunity "to express those sentiments of respect which he entertained for the right honourable gentleman whose resignation had been read. But however inclined he might be to give scope to the feelings he entertained of his conduct in the discharge

of the arduous duties of that most honourable station which he had lately filled, from every sentiment of private friendship, as well as every consideration of public duty, yet under the restraints in which he was now placed, it was only incumbent on him at present to make known to the house, that it was his majesty's pleasure they should proceed to the election of a new speaker."

Next day (February 10) sir William Grant, master of the rolls, said, he rose to propose a gentleman to fill the chair, which was then vacant by the removal of sir John Mitford, whom his majesty had been pleased to appoint lord high chancellor of Ireland.

"Before he proceeded to enumerate the talents and the qualities which characterised the person whom it was his intention to propose for the choice of the house, he could not pass over in silence those supereminent endowments which so peculiarly distinguished the learned gentleman who was now retiring from that high station. To pay adequate praise to such endowments was no light attempt: for during the short period which his learned friend had filled the chair, was it possible to have evinced a knowledge more various, and at the same time so profound; an information more extensive, and at the same time so accurate; a more ardent and enlightened love of the constitution, and at the same time so punctilious a regard to all the forms of the house, and all the rules of its proceedings? Such, in short, was the display he made of the necessary qualifications of that exalted office, that it is but justice to acknowledge they enabled him to rise to distinction in a situation in which the character and conduct of his predecessors made it difficult for him to excel. And if now the house was to experience the loss of the immediate service of these great and manifold talents, the idea of that loss would be somewhat alleviated by the reflection that a particular part of the empire was to

enjoy the benefit of them; and that in a sphere in which he might expand the whole compass of his capacious mind: a mind that equally embraced the minutest rules of forensic practice, and the most large and liberal principles of general jurisprudence."

Five days after the delivery of this panegyric (February 15, 1802) sir John Mitford was created baron Redesdale, of Redesdale, in the county of Northumberland, and a member of the privy council of Ireland. Thither his lordship, soon after, accordingly repaired, and continued to preside for a considerable time in the court of chancery of that kingdom. In the little states of Italy it has been usual, time immemorial, to call in a foreign judge, and retain him only so long as he might be considered a *stranger*; for at the end of seven years, a period when it was supposed that he might have formed a connexion in the country, his functions ceased, and he returned into the mass of private citizens. Upon the same principle it cannot fail, perhaps, to prove more advantageous to the portion of the empire, to which we now allude, to have a chancellor from England. Devoid of the prejudices and prepossessions of a native; equally unconnected by birth, marriage, or alliances; such a man is more likely than any other to preside in a court of equity, and distribute justice with a dignified impartiality.

In a religious point of view, however, his lordship, perhaps, may not have given such general satisfaction, as, although a decided friend to toleration, he has always been a determin-

ed advocate for the paramount rights and privileges of the Anglican church.* The unauthorised publi-

* Lord Redesdale has been upbraided with inconsistency by a voluminous writer of the present day, for seeming to entertain a different opinion of the catholics of Ireland from what he professed to entertain of the catholics of England: "As sir John Mitford, solicitor-general of England," we are told, "he had approved of the tenets, the principles, and conduct, of the English catholics; and was the person who brought in a bill in their favour into the British house of commons. As lord Redesdale, chancellor of Ireland, he condemns the principles, the tenets, and the conduct, of the Irish catholics; he brands them in a lump with the severest censure; and asserts, that while they maintain some of their opinions they cannot bear true allegiance to the king."

"This conduct that appears so inconsistent (says the author of a letter to Dr. Troy, titular archbishop of Dublin) is what I would have naturally expected from the knowledge which lord Redesdale must have acquired, since his residence in Ireland, of the very wide difference between those of his majesty's subjects who are known by the general appellation of catholics on the different sides of the Channel. In England (adds he) they are not papists, as they are in Ireland papists. At no period of their history were they papists as the Irish are papists. Prince and people they uniformly resisted as well the spiritual as the temporal encroachments of the Roman pontiff. While they professed the same religious doctrines with the church of Rome, they steadily persevered in resisting all interference of the Roman court, not only in the civil concerns, but in the internal regulation of their national church, in the disposal of its dignities and benefices, and the enforcement of its discipline.

"— If at any time from fomenting rebellion, from supporting the interests of the several pretenders to the throne, from siding with the prince against the people, or with the people against the prince, as either acted in subserviency to its views; from profiting

cation of his correspondence with the earl of Fingal, a nobleman of great influence and unquestioned loyalty, tended, in some measure, to inflame the minds of the catholics against him; but on a candid perusal of the contents it will be seen, that his chief objections are directed against the illegal intervention, and assumed superiority, of the popish hierarchy.

In Letter I, dated August 18, 1803, the lord chancellor observes, "that he had signed with great pleasure a warrant for his lordship's appointment to

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in any way by the internal divisions of the country to promote its own aggrandizement, that restless power gained some advantage over this spirit of determined resistance, its triumph was but temporary. That great and magnanimous people never failed, with a change of circumstances, to reassert the privileges and immunities of the church and crown." This modern 'Melancthon' soon after expresses himself in the following manner:

"And is lord Redesdale to be charged with inconsistency because he does not profess himself to be the same advocate for the papists in Ireland as for the catholics in England? Is he to be upbraided with the precipitancy and heat of a recent proselyte, because he expresses his conviction that the opinions that constitute, not catholicism, as he saw it in England, but popery, as he found it in Ireland, are inconsistent with the repose of mankind? What a tide of historians could I not let in to prove, that wherever popery raised its ominous standard, as it has unfortunately done in this country (Ireland), there was no repose for man? What testimonies could I not produce from catholic writers, confirming, from the miseries and sufferings of their own time, the representations made by the historians of the age, of pope Hildebrand, all of them catholics, when all Europe was convulsed by the struggles of that ambitious pontiff to establish his spiritual and temporal usurpations?"

be a justice of the peace for the county of Meath." After paying some compliments to the earl, he enters into a discussion on the duties annexed to this new office:

"It will be highly important (says he) that your lordship, in the discharge of your duty as a magistrate, should take every opportunity of clearly stating, and most strongly inculcating and enforcing, the great duty of allegiance; and that that duty is not confined to forbearance from open rebellion, or even from acts tending towards rebellion; that true allegiance is an active duty, requiring every man not only to suppress rebellion when it shall shew itself in violence, but to disclose to that government under which he lives (whether he be a natural born subject of that government, or a sojourner only under its protection), every thing which can raise ground for such suspicion of disloyalty in others; and it is particularly important that your lordship should, as a magistrate, state and enforce, that persons knowing of a treasonable purpose, who do not disclose it, are guilty, in the eye of the law, of that crime which has been denominated *misprision* of treason; and if they yield any kind of assent to the intended treason, they become traitors themselves. Your lordship's enlarged and liberal mind, distinguishing clearly between spiritual and temporal concerns, must feel that there can be no duty of religion contrary to the duty of allegiance; and indeed no man, however ignorant or prejudiced, can read the holy scriptures without finding, that the duty of allegiance to a pagan government was strongly and repeatedly enforced by Christ and his apostles; and especially the latter, who found the christians of their times too much disposed to consider their faith in Christ as absolving them from their allegiance to the country in which they lived.

"I am truly sorry to say, that I fear in this country all who profess to be ministers of the gospel of Christ, do not teach Christ's doctrine of allegiance to their flocks; and I particularly lament to find in the minds of men, who assume the highest rank amongst the ministers of the Roman persuasion, the frequent use of language tending to raise in the minds of the ignorant an opinion

that none are to be considered as members of the catholic church of Christ, that none therefore are to be esteemed brethren in Christ, but those who profess adherence to the see of Rome.

"Until the minds of men shall be brought to a different temper; until the priests of the Roman persuasion shall cease to inculcate, that all who differ from them in religious opinions are to be considered as guilty of defection from the see of Rome, that is, as guilty of rebellion, including his majesty's sacred person in that description, it cannot be expected that vulgar men should think themselves bound by any tie of allegiance to a king thus represented to them, as himself guilty of a breach of what is termed a higher duty of allegiance. That liberty of conscience which those of the Roman persuasion desire for themselves, they ought to allow to others; and they do not allow that liberty of conscience, but, on the contrary, sanction the worst of persecutions, whenever they treat any man sincerely believing in Christ, the redeemer of mankind, as not a member of the catholic or universal church formed by Christ and his apostles, because that man does not believe all that they believe of the see of Rome, and of the doctrines taught by it. I can consider no man, whatever his professions of loyalty may be, as truly the loyal subject of a king, whom he thus holds up to his people as an object of disaffection, nay, of hatred, because that king holds a different opinion in matters of religion from those who adhere to the see of Rome, and because he refuses any obedience in matters temporal or spiritual to that see.

"It will be your duty, my lord, as a justice of the peace, to watch the preservation of the peace with the most anxious attention; to respect no man whose conduct shall tend to disturb it; to exhort all men by patience and forbearance, as well as by exertions, to use their utmost endeavours to preserve it. And however anxiously they may wish for a change in the establishment provided by the law of the land for the maintenance of religion; however conscientiously they may think that the end of religion would be better answered by putting those of the Roman persuasion in the place of those of the protestant faith; they cannot, consistently with the duties of their allegiance, pursue that pur-

pose, by abetting, or even by declining to resist and suppress, the rebellious conspiracy formed for that purpose.

"I have no doubt that the firm and distinguished loyalty which has marked your lordship's character in every other situation in life, will guide your steps in the discharge of your duties of a magistrate. May God, to whom alone all our errors and imperfections are known, protect and guard you, and lead you to that end which will most accord with the beneficent purpose for which the office of magistracy was intended; and for which alone I am persuaded you prevail on yourself to undertake so arduous a charge under circumstances of so much difficulty!

"I have the honour to be, with the most sincere respect and esteem,

"My lord,

"Your lordship's faithful humble servant,

"To the right hon. the "REDESDALE."
Earl of Fingal, &c. &c. &c."

In his answer to this letter lord Fingal returns his best thanks "for the very able and excellent instructions contained in it."

"I have always been taught (adds his lordship) that that man was a traitor, and violated his allegiance, who concealed any plot against the state: to this opinion all those who profess the same religious faith that I do are bound by the most solemn pledges. I am very sorry any have deviated from it; they cannot be, I am persuaded, those remarkable for their religious and good conduct. It gives me much concern, and I should be extremely sorry, were it generally conceived that your lordship (the person to whom the catholics of another part of the kingdom never cease expressing their obligations; with your superior talents, enlightened and liberal mind; holding the high situation you do in this country, with so much credit to yourself and advantage to the public) should have an opinion in any degree unfavourable to the Irish catholics."

The noble earl then proceeds to state, "that the

catholic religion is the same every where;" and as a high proof of its respect for an oath, were its professors "less delicate," it is asked, "why he should labour under any exclusion now, or have suffered many years of personal restriction? The catholic (continues his lordship) is ready at this moment to sacrifice his life, his property, every thing dear to him, in support of the present constitution; in defence of that beloved sovereign, to whom your lordship does not seem to think we look up with that veneration, gratitude, and attachment, which I assure you we do. The catholic wishes no other family on the throne; no other constitution; but certainly wishes to be admitted, whenever it shall be deemed expedient, to a full share in the benefits and blessings of that happy constitution under which we live; a participation which, I trust, we have, and shall continue to prove ourselves not undeserving of."

In the rejoinder to this, the lord chancellor enters with circumspection on the tender subject of catholic "disabilities;" whence he returns to the conduct of the dignified clergy, and quotes the pastoral letters of the doctors Troy and Hussey, observing, at the same time, "that whilst such impressions, so excited, are rankling in the minds of men," very little regard can be paid to addresses, such as those referred to. "They are given to the winds (adds he), as long as the priests of the see of Rome shall think fit to hold up to their flocks, that all who do not yield obedience to that see are guilty of rebellion

against it; are not to be considered as members of the church of Christ; and therefore are not (in the eyes of the vulgar at least) to be considered as christians!

"I am fully persuaded that those who listen to their doctrines will never bear christian charity towards those who are so represented; and will never be loyal and dutiful subjects of a king, thus held out to them as himself a rebel. In fine, my lord, those who clamour for liberty of conscience (which in truth they have), must be taught to allow liberty of conscience to others; and those who desire complete participation, must treat those with whom they desire to participate as brothers. Until, therefore, the priests of the Romish persuasion shall think it their duty to preach, honestly and conscientiously, the great doctrine of universal charity in Christ; until they shall, in all their instructions to those under their care, represent, honestly and conscientiously, all who sincerely believe in Christ, the redeemer of mankind, to be brethren in Christ, however mistaken they may suppose any of them to be in certain points of faith; until they shall teach their flocks, that desiring liberty to think for themselves, they ought also to permit others to think for *themselves*, and not to murder them because they differ in religious opinion, peace never can be established in the land; and the loyal addresses of doctor Troy and Dr. Coppinger will, as I have before said, be given to the winds. They can have no effect; they may indeed reach the eyes or the ears, but never will enter the hearts of those to whom they are addressed. There are parts of your letter to which I will not advert, because I cannot without pain, or without giving pain.

"I have the honour to be, &c. &c. &c.

"To the right hon. the "REDESDALE."
Earl of Fingal, &c. &c. &c."

The last letter of this correspondence hitherto published is dated "Ely-place, September 6, 1803," and contains some very serious charges relative to a priest, "proved to have been guilty of sanctioning

the murderers in 1798, transported to Botany-bay, and since pardoned by the mercy of government."

We are inclined to think, however, that his lordship appears in this instance to have been misled; for the reverend Peter O'Neil, the person supposed to have been alluded to, has vindicated himself in an address "to the nobility and gentry of the county of Cork," dated October 23, 1803, in which he has laid open such a scene of horrors, such a monstrous conspiracy, such a terrifying recital of stupifying draughts, horrible threats, and hellish tortures, that until his account had been publicly and solemnly contradicted, we must consider him as the victim of baseness, treachery, and a degree of barbarian injustice, that makes the heart of an Englishman quiver with sensibility and indignation.

It is almost unnecessary, however, to mention in this place, that the infernal crimes here alluded to were perpetrated (alas! too, *perpetrated with impunity!*) long anterior to the arrival of the lord chancellor in Ireland; and that such a disgrace to his majesty's government has not since been repeated.

In 1805 certain Irish Roman-catholics, in behalf of themselves and brethren, presented a petition * to

* After expressing themselves deeply impressed with sentiments of the most affectionate gratitude for the benign laws that had been enacted for meliorating their condition during his majesty's paternal reign, they profess to contemplate with rational and decided predilection the admirable principles of the British constitution.

They then state that they had taken the oaths by law prescrib-

both houses of parliament. Among these were the lords Shrewsbury, Waterford and Wexford, Ken-

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ed, and humbly point out the grievances to which they are exposed.

"They are disabled (say they) from holding or exercising (unless by a special dispensation) any corporate office whatsoever in the cities or towns in which they reside; they are incapacitated and disqualified from holding or exercising the offices of sheriffs and sub-sheriffs, and various offices of trust, honour, and emolument, in the state, in his majesty's military and naval service, and in the administration of the laws, in this their native land.

"Your petitioners, declining to enter into the painful detail of the many incapacities and inconveniences avowedly inflicted by those statutes, upon his majesty's Roman-catholic subjects, beg leave, however, most earnestly to solicit the attention of this honourable house, to the humiliating and ignominious system of exclusion, reproach, and suspicion, which those statutes generate and keep alive.

"For your petitioners most humbly shew, that in consequence of the hostile spirit thereby sanctioned, their hopes of enjoying even the privileges, which, through the benignity of their most gracious sovereign, they have been capacitated to enjoy, are nearly altogether frustrated, insomuch that they are, in effect, shut out from almost all the honours, dignities, and offices of trust and emolument in the state, from rank and distinction in his majesty's army and navy, and even from the lower situations and franchises in the several cities and corporate towns throughout his majesty's dominions.

"And your petitioners severely feel that this unqualified interdiction of those of their communion from all municipal stations, from the franchises of all guilds and corporations, and from the patronage and benefits annexed to those situations, is an evil not terminating in itself; for they beg leave to state that, by giving an advantage over those of their communion to others (by whom such situations are exclusively possessed), it establishes a species

mare, Gormanstown, Southwell, Kimberton, &c. and the earl of Fingal, to whom we have so recently alluded.

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of qualified monopoly, universally operating in their disfavour, contrary to the spirit, and highly detrimental to the freedom, of trade.

"Your petitioners likewise severely feel that his majesty's Roman-catholic subjects, in consequence of their exclusion from the offices of sheriffs and sub-sheriffs, and of the hostile spirit of those statutes, do not fully enjoy certain other inestimable privileges of the British constitution, which the law has most jealously maintained and secured to their fellow-subjects.

"Your petitioners most humbly beg leave to solicit the attention of this honourable house to the distinction which has conceded the elective, and denies the representative franchise to one and the same class of his majesty's subjects; which detaches from property its proportion of political power under a constitution whose vital principle is the union of the one with the other; which closes every avenue of legalised ambition against those who must be presumed to have great credit and influence among the mass of the population of the country; which refuses to peers of the realm all share in the legislative representation, either actual or virtual, and renders the liberal profession of the law to Roman-catholics a mere object of pecuniary traffic, despoiled of its hopes and of its honours.

"Your petitioners further most humbly shew, that the exclusion of so numerous and efficient a portion of his majesty's subjects as the Roman-catholics of this realm, from civil honours and offices, and from advancement in his majesty's army and navy, actually impairs, in a very material degree, the most valuable resources of the British empire, by impeding his majesty's general service, stifling the most honourable incentives to civil and military merit, and unnecessarily restricting the exercise of that bright prerogative of the crown, which encourages good subjects to pro-

Lord Grenville having concluded a long and able speech in favour of the claims of Irish catholics, concluded with moving, "that the house should re-

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mote the public welfare, and excites to meritorious actions, by a well-regulated distribution of public honours and rewards.

"Your petitioners beg leave most humbly to submit, that those manifold incapacities, restraints, and privations, are absolutely repugnant to the liberal and comprehensive principles recognized by their most gracious sovereign and the parliament of Ireland; that they are impolitic restraints upon his majesty's prerogative; that they are hurtful and vexatious to the feelings of a loyal and generous people; and that the total abolition of them will be found not only compatible with, but highly conducive to, the perfect security of every establishment, religious or political, now existing in this realm.

"For your petitioners most explicitly declare, that they do not seek or wish, in the remotest degree, to injure or encroach upon the rights, privileges, immunities, possessions, or revenues, appertaining to the bishops and clergy of the protestant religion as by law established, or to the churches committed to their charge, or to any of them; the sole object of your petitioners being an equal participation, upon equal terms, with their fellow-subjects, of the full benefits of the British laws and constitution.

"Your petitioners beg leave most humbly to observe, that although they might well and justly insist upon the firm and unabated loyalty of his majesty's Roman-catholic subjects to their most gracious sovereign, their profound respect for the legislature, and their dutiful submission to the laws, yet they most especially rest their humble claims and expectations of relief upon the clear and manifest conduciveness of the measure which they solicit to the general and permanent tranquillity, strength, and happiness, of the British empire. And your petitioners, entertaining no doubt of its final accomplishment from its evident justice and utility, do most solemnly assure this honourable house, that their earnest so-

solve itself into a committee to consider of the petition on the table."

Lord Redesdale soon after rose and observed, that the object of the petitioners was clearly pointed out by themselves to be "an equal participation, upon equal terms, with their fellow-subjects, of the full benefits of the British laws and constitution." His lordship, however, contended, that the maintenance of the protestant, as the established religion of the government, and the exclusion of the

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licitude for it, at this peculiar crisis, arises principally from their anxious desire to extinguish all motives to disunion, and all means of exciting discontent.

"For your petitioners humbly state it as their decided opinion, that the enemies of the British empire who meditate the subjugation of Ireland have no hope of success, save in the disunion of its inhabitants; and therefore it is that your petitioners are deeply anxious, at this moment, that a measure should be accomplished which will annihilate the principle of religious animosity, and animate all descriptions of his majesty's subjects in an enthusiastic defence of the best constitution that has ever yet been established.

"Your petitioners therefore most humbly presume to express their earnest, but respectful, hope, that this honourable house will, in its wisdom and liberality, deem the several statutes now in force against them no longer necessary to be retained; and that his majesty's loyal and dutiful subjects, professing the Roman-catholic religion, may be effectually relieved from the operation of those statutes, and that so they may be restored to the full enjoyment of the benefits of the British constitution, and to every inducement of attachment to that constitution, equally and in common with their fellow-subjects throughout the British empire.

"And your petitioners will ever pray," &c.

Roman-catholic faith from the administration of that government, had become fundamental principles, long deemed essential to the preservation of the liberty, both religious and political, of the country. When, therefore, the petitioners called for an equal participation, they either proposed to the house to be guilty of gross fallacy, or they called upon their lordships to alter those laws, and to change that constitution."

He then alluded to the state of the Roman-catholics in Ireland, who maintain "a complete hierarchy, in direct and manifest opposition to the positive law of the land, which hierarchy was represented as the only lawful successors of the ancient clergy of Ireland, assuming all the powers, and claiming all the resources, of that clergy; treating the clergy of the reformed religion, placed in the various offices of the church by the laws, as usurpers; and refusing obedience to all laws framed to curb the encroachments of the papacy on the sovereign power before, as well as since, the Reformation." His lordship then proceeded to state,

"That any thing like peace or harmony could subsist in Ireland between the Roman-catholics and protestants of that country, if they were placed on an equal footing in political power, whilst the hierarchy of the Roman-catholic church there should remain as it stood, must be utterly hopeless. The Roman-catholic clergy of Ireland he viewed in a light very distinct from the laity. The latter he considered as individuals, dissenting in religious faith from the established church; and, except as connected with their clergy, merely as individuals so dissenting.

"But the clergy were a great and compact body; a species of corporation, with all the forms and gradations of a distinct and firm government; connected by no tie with the government of the country, and utterly incapable of being so connected; standing in open defiance of the law; exercising an authority which the law expressly forbade, and representing those whom the law had placed in possession of the powers, the dignities, and the emoluments, of the national church, as usurpers of those powers, those dignities, and those emoluments.

"Noble lords affected to doubt the fact: he would venture to reassert it, and to appeal to the most reverend prelate on the bench above him (the primate of Ireland), to whom, amongst themselves, and frequently elsewhere, the Roman-catholic clergy would give no other appellation than that of Dr. Stewart. They represented themselves as the only lawful successors of the ancient clergy of Ireland; and required their flocks to consider them as the lawful owners of the ecclesiastical revenues; teaching them, even in their catechisms, that by the commandments of their church, which they boldly represent as equal to the commandments of God, the people were bound to pay their tithes to their lawful pastors, which pastors they represented themselves to be.

"Accordingly, their parochial clergy were formally instituted rectors or vicars of the several parishes, under the authority of their respective diocesans, according to the titles of rector or vicar, as they stood before the Reformation. They had preserved the deans and chapters, and the dioceses and provinces of the several bishops and archbishops, as they existed before that event, with the difference only of some unions since made by the authority of the pope.

"Every archbishop and bishop, every inferior dignitary, and every parish priest of the established church, met therefore in his place a rival clergyman, ready and anxious to seize his benefice, his powers, his dignities, his revenues, whenever the opportunity should offer. The powers of the Roman-catholic clergy over their flocks were fully equal to their pretensions: and they exercised those powers without that control of the law of the land to which they were subject before the Reformation. Their authority

was enforced by the most dreadful of all means, by the power of excommunication: a power very different from that possessed by the established church.

"Their sentence of excommunication had all the consequences which made it most dreadful in the darkest ages. The wretched victim against whom it was denounced might starve, if not relieved by the charity of protestants. No Roman-catholic dared to have communication with him. A recent instance had been stated to him, on authority which he could not doubt, in which the law of the land, and the character of the established church, had been grossly insulted. Two Roman-catholic couples had been married by the protestant clergyman of their parish, after the usual publication of banns; a duty which by law the clergyman was bound to perform. The Roman-catholic parish-priest thought fit to denounce these unfortunate people to his bishop, before whose vicar-general they were summoned to appear to answer for their crime. The protestant clergyman, alarmed at this outrage, and consulting the peace of his parish, the danger of the individuals immediately concerned, and perhaps his own personal safety, rather than his duty to the laws of his country, advised the parties to make every submission, and endeavour to prevent any further proceedings.

"They accordingly waited on the vicar-general, expressed their contrition for their offence, and their readiness to make any submission in their power. The vicar-general was inexorable, and the offenders were excommunicated for the crime imputed to them, of having been married according to the law of the land. The consequence of the sentence was, that all who should have any communication with these unfortunate victims of a power thus assumed in defiance of the law, were liable to the same censure; and the situations in which the men happened to be, making it difficult for their neighbours to avoid all intercourse with them, near two hundred men and women were summoned before the vicar-general, at the distance of twenty miles from their habitations, to answer for this offence.

"They appeared before him, and by their submission avoided the dreadful sentence of excommunication; but were condemned,

as a penance, to a pilgrimage, proceeding from one holy well, or stone to another, a circuit of thirty miles; and as so great an assemblage of people, passing in a body through the country, and performing ceremonies of devotion at the appointed places of their pilgrimage, must excite attention, they were ordered to declare to all who should meet them, that they were sentenced to this penance for having dared to hold communication with persons excommunicated for having been married by a protestant clergyman.

"The fear which such proceedings must inspire, and the impossibility of obtaining any redress, however oppressive and tyrannical those proceedings may be, was the true source of the extravagant power which their clergy maintained over the Roman-catholics of Ireland: a power much greater than was possessed by the clergy in any state in Europe where the Roman-catholic was the established religion of the country; a power which our ancestors, in times of the greatest bigotry, had dared to restrain by various legislative provisions; and history had applauded their spirit and firmness, and the enlightened minds which had directed their measures.

"But modern liberality (with an inconsistency which has no example, but in the extravagance of modern liberality) has, at the same time, joined in that applause, and yet stigmatised as bigotry every attempt to restrain the monstrous proceedings of the Roman-catholic clergy of Ireland; an unauthorised hierarchy, lifting themselves up in defiance of the law, and of all constitutional authority.

"Before the Reformation, whilst the clergy established by law were yet considered by the same law as under the spiritual controul of the pope, the oppressions of their ecclesiastical courts were in some degree curbed and restrained. But now, when the law has rendered the established clergy independant of the see of Rome, and restored to the crown the sovereign authority over the clergy as well as the laity (the supreme power over all persons, and in all cases, ecclesiastical as well as civil), the only remedy which the Roman-catholics of Ireland, who have unfortunately submitted themselves to the papal power in derogation of the law-

ful sovereignty of the crown, can have againt oppressions which their Roman-catholic ancestors successfully resisted by the law of the land, is an appeal to Rome; and what sort of redress could be obtained by such an appeal he would leave it to the house to judge.

"Thus reigning uncontrouled, their ecclesiastical courts govern the whole people. They dissolve marriages for causes not allowed by law; precontract, consanguinity, or affinity, in degrees beyond those prescribed by the legislature; and they license marriages within those degrees. The evidence of marriage is wholly in their power; and the legitimacy of children, and the succession to property, is under their controul."

His lordship then paid many compliments to the Roman-catholics of England, observing, that in a district where he had resided, if a farmer, or labourer, of that persuasion was to be distinguished by his general conduct and character from protestants of the same rank in life, it was because he was more temperate, more orderly, more generally submissive to the laws. If in Ireland, the reverse of this too frequently took place, it was perhaps to be attributed to the clergy, who unfortunately conceived that their power, their emoluments, and, still more, the final accomplishment of their hopes, depended on their keeping alive a spirit of disobedience to the law. He was so strongly impressed indeed with the truth of these observations, that he was convinced that as long as the Roman-catholic hierarchy should remain as it then stood, it was in vain to look for peace and tranquillity in Ireland: that the abolition of that hierarchy was essential to the interests of the country; and he had reason to think that some of the better informed among the

Roman-catholic laity were nearly of the same opinion. His lordship concluded a long and able speech in nearly the following words:

"Viewing the state of Ireland as he did, he could not but repeat his conviction that it was necessary, though the necessity was much to be deplored, to keep with anxious care the remaining restrictions on the Roman-catholics of that country. In his opinion not only the security of the church establishment, but the properties, and even the lives, of the protestants, and the connexion of Ireland with Great Britain, depended on the preservation of those restrictions, until a great and important change should be made in the temper and conduct of the Roman-catholics, and their priesthood should be put on a very different footing.

"To conciliation he had ever been, and ever should be, a warm friend; but the terms of conciliation must be very different from those proposed by the petition. He could not be deluded by pretence of conciliation to increase the power and means of offence of that hierarchy which tyrannized over those of their own persuasion, which set all law at defiance, and threatened at every moment the extirpation of the protestants of Ireland. The abolition of that hierarchy was, in his opinion, the first step to that conciliation which he believed could alone produce peace to Ireland; and the Roman-catholic laity desiring a full participation of the benefits of the British laws and constitution (one of which, and not the least important, is freedom from ecclesiastical tyranny), must first throw off the yoke of their own priesthood; which, whilst it exists in all its force, renders the participation which they require dangerous to themselves, and utterly incompatible with the peace of the country, the safety of the protestants, and the connexion of Ireland with Great Britain."

Although lord Redesdale had at first repaired to bed with a certain portion of reluctance, yet he soon familiarize himself, by degrees, to the scene him. He usually withdrew once a

year to England during the sitting of parliament, but the far greater part of his time was spent either at his house in the capital, or his country residence at Kelmacap, in the county of Dublin. He even began to build, to plant, and to improve; and as the Irish seals are said to be lucrative, he undoubtedly possessed the means, without hurting his own private fortune.

To his honour also be it recollected that the business of his court was not only conducted with due propriety and decorum, but that his conduct as a chancellor was always free from the suspicion of bias. When he first visited that part of the empire, the untimely death of a former chancellor, and the violence of party zeal, had unhappily split the nation into two distinct factions; but we have every reason to believe that in this instance the bench was sacred from the bitterness always engendered by civil broils.*

* The following passage from one of our most celebrated historians will tend to shew to what a length *religious* hatred has been carried in Ireland:

"But what afforded the most alarming prospect (the period he alludes to is the reign of James II.) was the continuance, and even increase, of the violent and precipitate conduct of the affairs in Ireland. Tyrconnel was now vested with full authority, and carried over with him as chancellor one Fitton, a man who was taken from a jail, and who had been convicted of forgery and other crimes, but who compensated for all his enormities by a hearty long zeal for the catholic religion. *He was even heard to say from the bench, that the protestants were all rogues; and that not one among forty thousand that was not a traitor,* [illegible]

Meanwhile a sudden revolution took place in the ministry of England. The genius of Mr. Pitt, doomed to triumph over all domestic opposition, drove the Addingtonian party from power, and invested himself and his friends with the spoils of office. The chancellor of Ireland, however, remained firmly seated in his court; but no sooner had the victor himself been assailed by the unsparing hand of death than a mighty crush took place; and most of his friends not only felt the shock, but were in some measure included in the ruin.

The moment that the coalition formed between Mr. Fox and lord Grenville proved triumphant, a great and general change took place. Mr. George Ponsonby, the son of a speaker of the Irish house of commons, one of the ablest men at the bar, a bencher of the king's inns, and an advocate for the emancipation of the Roman-catholics of that part of the empire where he had been born, was immediately entrusted with the great seal. This was a measure to be expected from the revolution that had taken place; but it will be perceived from what follows, that the nomination was accompanied with certain circumstances that tended not a little to disturb the feelings of his predecessor.

When lord Redesdale sat for the last time on the bench, on Tuesday the 5th of March, 1806, he addressed himself to the bar in the following speech:

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villain. The whole strain of the administration was suitable to such sentiments." Hume, vol. xiii. 12mo. ed. p. 52-3.

"I must now take my leave. When I came to this country I thought that I should probably have passed the remainder of my days here; with that view I formed an establishment, and I proudly hoped to have lived amongst you, and to have died amongst you. But that has not been permitted.

"To the gentlemen of the bar I have the greatest obligations. I came amongst them a stranger; I have experienced from them every kindness; and I must say, that I could not have left a bar with whom I could have lived in habits of more cordial intercourse.

"Perhaps I may (on some occasions I am aware that I must) have used expressions which have appeared harsh at the moment; but I trust they were only such as were suited to the occasion. My design was not to hurt the feelings of any; and if I have done so, I am truly sorry for it. I wish to depart in peace and good-will with all.

"To the officers and practitioners of the court I must say, that though with respect to a very few of the latter I have had occasion to animadvert with some severity, their conduct in general has been highly satisfactory. As to the officers of the court, they have all, in their several stations, endeavoured to assist me to the utmost of their power: they have materially done so; and I owe them sincere thanks.

"It would have been my wish to have continued to sit until the gentleman who has been named to succeed me should have arrived. I believe it was his wish also, and I have every reason to think so; and from him I have experienced every degree of politeness and attention. I am sorry that other persons should have thought me unworthy to have been intrusted with the seal during the interval. What can occasion this (which I cannot but consider as a personal insult) I am unable to guess; but I have been informed that a peremptory order has come to the lord-lieutenant, not to suffer a moment to elapse in preventing the great seal from longer remaining in my hands. I know not whence this jealousy of me has arisen, or how my continuing to sit in the court of chancery (for I could make no other use of the seal but under the warrant of his excellency) could interfere with any views of his majesty's ministers.

"I am proudly conscious of having discharged the duties of my station with honesty and integrity to the utmost of my abilities. For the office I care not, except so far as it afforded me the opportunity of discharging conscientiously an important public duty. It was unsought for by me; I came here much against my will; I came from a high situation in England, where I was living amongst my old friends, and in the midst of my family. But I was told that I owed it to public duty and to private friendship to accept the office; and I yielded: I yielded to the solicitations of some of those who have concurred in my removal. This, I own, is what I did not expect, and what I was not prepared to bear.

"But I feel most of all that so little consideration has been had for the public business and the interests of the suitors of this court. You must all know the avocations of those who have been named as commissioners: the master of the rolls has already as much business as he can conveniently discharge; the lord chief justice and the lord chief baron have their several avocations, which must prevent their attendance in the court of chancery. I am extremely sorry that a great deal of business will in consequence be left undone, which ought to have been disposed of before the rising of the court. But so it has been thought fit.

"And now I have only to say, that in returning to the country from whence I came, I shall be most happy if it should ever be in my power to be of service to Ireland. Ireland will always have a claim upon me; had I continued in the commons house of parliament I might have been able to do much service: in the other house that power is much lessened; but such as it is this country may ever command it.

"To this country I have the highest sense of obligation: I do not know that in a single instance I have experienced any thing but kindness. I have experienced it from all ranks of people without exception.

"Under these circumstances I retire with a firm conviction that you will do me the justice to say that I have discharged my duty with honest and conscientious zeal, to the extent of my abilities; and that on this head I have nothing with which to reproach myself."

This address, pronounced in a manner extremely feeling and dignified, excited strong and universal sympathy. After a pause of a few moments the attorney-general arose, and in the name, and by the direction, of the bar, addressed his lordship in these words:

"Thus called upon, and having had an opportunity of communicating with a great majority of the gentlemen of the bar, who have practised in the court of chancery during the term that your lordship has presided, I feel myself authorised to express their sentiments on this occasion.

"We have a just sense, my lord, of those endowments which have so eminently qualified you to preside in a court of equity.

"Whilst your impartial attention has secured to the honest suitor the full investigation of his claims, your sagacity and patience have taken away from fraud all hope of impunity, and all pretext for complaint.

"We return your lordship our thanks for the instruction which we have received in attending to the series of decisions, by which, during a period of four years, you have advanced the science which we profess.

"But most peculiarly, and from our hearts, we beg leave to make our grateful acknowledgments for the uniform courtesy and kindness which we have experienced from you in the discharge of our duty at your lordship's bar.

"Under these impressions we take leave of your lordship; the consciousness of having thus well discharged the duties of an elevated and important situation must render you independant of our praise: we trust, however, that this sincere tribute of esteem and gratitude which is now offered to your lordship will not be deemed unacceptable."

On his return to England lord Redesdale repaired to Bath for a short time, in consequence of a severe indisposition, arising from the gout. He has

since recovered his health; and we find him lately joining in an animated opposition to some of the acts of the new ministry.

MRS. CHARLES KEMBLE.

THE stage is one of the very few stations in civilized society whereon a woman may venture to stand, and exhibit to advantage the talents with which she is endowed. The post of public action properly belongs to man; and so conscious are most women of their general weakness, that they are found rather to shrink from, than seek to share, his toils. Woman is well pleased to bear the Salique law that excludes her from the contests of the bar, the senate, and the field; yet she does not wish to consign herself to utter helplessness; to be left to pine and perish, should the fancy of man (or her own inclinations) not allow him to "love and cherish her," by making her "bone of his bone, and flesh of his flesh." She looks into her own mind for stores; she finds abilities there which must have a use; and she eagerly determines by their exertion to sustain herself, and to avoid the never-ending pains of leaning a poor (and often insulted) dependant on the caprice of the world's philanthropists.

For young women of the lower classes of society servitude is open; and many a happy heart heaves its grateful throbs under "a round-eared coif and a russet gown." But what is prepared for the por-

tionless daughters of gentlemen; of clergymen, whose hard fare has been always that of the wilderness; of soldiers, who have bled for their country; of sailors, whom the salt deep covers? When these unsheltered orphans are left to the world, what is their comfort? Who steps forward to invite them to a home, and dry their tears? Delicacy, feeling, and principle, withhold them from marrying merely for a subsistence. Disdaining, nay abhorring, a traffic of themselves, where faith is given for gold, they lay aside timidity; and with a virtuous resolution begin the hard labours of a life of toil.

From this order of women arise our governesses, milliners, mantua-makers, and sempstresses of every description; and those female geniuses of higher endowments, who devote their beauty, youth, and health, to "the midnight lamp." Whilst the pensive moralist leans her pale cheek upon her hand, and throws her chaste eyes around the gloomy walls of her solitude, the voice of fame sounding at a distance has no charms for her. She sighs for the whisper of affection; for the consolation of a friend: for the interference of some stronger arm than her own to shield her from the world. Woman was created to admire, man to be admirable; and wretched is she who is forced to make the exchange. The cold atmosphere of Parnassus is seldom visited by the Loves; they like to flutter their tender wings in a softer climate; and while all men sacrifice to the Muses, few include their heart in the oblation. The fair votary of literature is left to her

pen, her books, and her loneliness; for she does not solicit the eye. Her personal charms "waste their sweetness on the desert air;" and the remembrance that she is a woman, and born to be beloved, is lost in the conviction that she is an author, and writes to be revered.

It is not so with genius when its field of display is the stage. There beauty may exhibit all her enchantments in the most attractive positions. The graces of a fine figure and lovely countenance, motion, voice, look; every part of the harmoniously-constructed form, come before the observer. The splendours of talent shine out around this body of beauties; and the result seizes upon the senses, and by a magic power seems to disorder the brain, and enchain the heart. It is lovely woman whom they behold! she stands forth at once in the full luxuriance of her charms, clothed with elegance, and uttering the language of the finest souls with all the advantages of action, interest, and pathos. The whole forces of this captivating object are directed to the breast of man, the seat of taste and the passions; they enter there, and she is adored as a minor divinity.

The consequences which follow this inflation of applause are, the envy of the unamiable of her own sex, and the libertine advances of the unworthy of ours. Hers is a career of danger; she has no solitude to which she may retire, and avoid the persecutions of the gorgon and the satyr; detraction pursues her steps; and the spirit of libertinism, dis-

guised as love or friendship, invades the remotest shades of her repose. To be known to have been in peril gives sufficient premises to malice to conclude that *ruin* has ensued. Many lovely women have lost their reputations from this very cause. Imperious circumstances having placed them under temptations to deviate from the right path, they are supposed to have fallen. To be put to trial, and to be condemned, are the same things with the generality of the world. It is enough for the malignant envier of youth, beauty, and celebrity, to hear it applauded, to see it attended by the admiration of men of taste, rank, and talents, to guess that it has been *betrayed*. If the malicious do not sincerely believe the surmise, they do not hesitate to speak as if they did; and yet, perhaps, it would be difficult to find the circulator of a cruel tale that did *not believe it*; for, judging by their own hearts (which we are all apt to do), they cannot conceive the possibility of being virtuous from principle; of preserving honour at the expence of ambition, and, hardest trial of all, of love!

Superiority of attractions is sufficient to provoke the spleen of a thousand disappointed coquets; and when those attractions are become an object of public conversation; when the smiles of their fair possessor would be regarded by men of pleasure as a feather in their cap of vanity; these men are inclined to make vain boasts, and to recount favours which they never received. This is one way of tarnishing a bright character; and the other is, to *hum*

and *ha*, and *shake the head*, at the virtue which presumption has found to be impregnable. Unhappy pre-eminence! when the height on which the innocent stands makes her only a surer aim for the arrow of falsehood!

The amiable and celebrated subject of these memoirs is a living instance of the justice of these remarks. Charming in herself, and admired in her profession, she has sometimes felt the truth of Bacon's observation, that "envy, like the sun, beats hottest on rising grounds." The details of her blameless and brilliant life will verify how worthy she is of the general respect she enjoys, and of the particular esteem of some of the first female characters in Great Britain.

Marie Therese De Camp was born on the banks of the Danube, in the city of Vienna, the capital of Austria. Her parents were persons of respectability: indeed, on her father's side, her ancestors were noble; and had it not been for the insufferable pride of her great-grandfather, who was at the head of one of the branches of the celebrated family of Fleury, she would have borne that name as her right.

It was not towards her that this act of paternal injustice was primarily exerted: the deed was done during the infancy of her father, George Louis; whose mother, a simple country girl, and the legal wife of young De Fleury, being left a widow, was wrought upon by her proud father-in-law to sink the noble name of her orphans in that of

her own, which was De Camp; and so resign at once their birth-right and rank in society. Hard as this disinheritance certainly was, the simplicity and weakness of their mother only prematurely did what time would afterwards, in the course of a few revolving years, have accomplished by force. The revolution in France would have robbed them of their fortune and station; and what the parental tenderness of the high De Fleury had spared might have become the spoil of villains. Poverty and wretchedness would have been the probable end of his posterity, who now, by unpretending industry, seem to have spread before themselves a long track of comfort and happiness.

The young George Louis (no longer De Fleury, but De Camp) shewed early a talent for music. He soon excelled; and as his proficiency and amiable manners attracted the admiration, and conciliated the regard, of his neighbours, a more general attention was excited. The fame of his genius spread abroad; amateurs flocked round him; he was allured from his home, and, in an unlucky hour, was met by some of those dignified tempters who find much pleasure in drawing high talents into the snare of dependance and desertion.

Some English noblemen meeting Mons. De Camp at Vienna were enraptured with his abilities; and prevailing with him and his young wife to seek riches in England (which they profusely promised him), he accordingly commenced his long journey, and arrived in London. These men pledged

themselves for much; but either his own diffidence, or their "weak faith," betrayed his fortunes; and he remained in a foreign country (though his merit was acknowledged where it was made known) a secluded and disappointed man. The blood of the De Fleuries could not be reduced to flow in the channels of dependance and flattery; and in the meridian of life, with every innate ability of charming the public, and acquiring a golden celebrity for himself, he resigned all hopes of a prosperity which must be bought by adulation, and retired altogether from the world. A deep pensiveness obscured his mind, and made him lose those precious hours in regret, and devising means of returning to Germany, which ought to have been dedicated to the rearing of an infant family, that now looked up to him for education and support.

His amiable wife observed his melancholy with sorrow; but young as she was, she perceived it was her duty to counteract its effects on her children; and with unceasing attention she laboured to put herself and them in a way of making up to him for the frowns of fortune.

The little Therese, the eldest of her children, being of a sprightly disposition, quick apprehension, and a light agile figure, was, at the age of six years, placed on the stage of the Opera-house, to sustain the parts of Cupids, and other fairy personages, in the ballets of that Armidean palace. The graces of her infant form, and the vivacity of her action, were so entirely natural, so little indebted to art,

that the deceived spectator might have supposed, as she flew over the stage fluttering her tiny wings, and bending her little bow with arch dexterity, that he was transported to Paphos, and following the airy flight of the wanton god of delightful mischief.

The fashionable theatre of Mons. Le Texier was so envious of the possession of this versatile little creature, that every means were made use of to persuade her to lend it a share of her attractions. She complied; and performed, in the most interesting manner, the sweet *Zelie* of Madame De Genlis. Besides this enlargement of her occupations she danced at the Circus; and by the recommendation of his royal highness the prince of Wales was engaged by Mr. Colman, for the little theatre in the Haymarket. Her first appearance there was made in the ballet of *Jamie's Return*. Her royal patron was delighted with her performance; and continued his approbation of her rising talents as they dawned through the various characters of the *Prince of Wales* in *Richard the Third*, the *Page* in the *Orphan*, and other youthful personifications; which unfolded her genius, and gradually established her name.

When she was about twelve years old she was engaged by Mr. King, the then acting-manager of Drury-lane, for that theatre. But the joy of our young actress, on her elevation, was soon checked by a severe blow, the death of her father. He died at the early age of thirty, leaving his young wife, a son, and three daughters, almost entirely dependant on the salary of the little Therese.

The character that she opened with at Drury-lane was *Julie*, in the charming opera of *Richard Cœur de Lion*; and it was a faithful specimen of the powers with which she afterwards developed all the bewitching mysteries of the comic Muse. But to prepare herself for that range of consequence to which her ambition aspired, she saw that she must study much; for many accomplishments were necessary. Nature had done its part, in giving her an expressive cast of features, illumined with an eye of fire; and none can forget the luxuriant mantle of Rouen hair, which used to flow over her graceful figure down to the very feet, until the hand of fashion, envious of such a rare ornament, concealed it in braids. Her shape was exquisite; and her movements, modified into "varied grace" by the taste of D'Egville and Laborie, gave her every advantage of the most studied dancer. She was taught music and singing by the best masters; and by her proficiency in these two arts, she gradually got possession of all the avenues that led to the most prominent characters that sung or danced.

Her knowledge of the English, French, and Italian, languages, was acquired under the immediate auspices of several women of rank, who took delight in assisting this "sweet rose of the wilderness left on its stalk!" to raise its drooping head, to cherish its beauties, and expand its odours to the world. The accomplished viscountess Percival was one of the most earnest and active of these fostering teachers; and since has been ever enrolled by miss

De Camp as one of her most esteemed and fastest friends.

The late duchess of Argyle (whose personal attractions were once the wonder of Europe), with her beautiful daughters and niece, were happy to have the interesting Therese often at Argyle-house; to see her sportive acting; and to hear her repeat, with astonishing precision, passages from the best dramatic poets. When time and practice had elevated miss De Camp to the highest rank in the theatre, and her prudent and amiable conduct made her respected by persons of all stations, these illustrious and charming ladies did not fail, at all opportunities, to express their pleasure at the deserved success of their young favourite.

In the summer-season of 1792 miss De Camp was prevailed upon by Mr. Johnstone (for his benefit) to undertake to play the part of *Macheath* to his *Lucy* and old Bannister's *Polly*. Loud applauses followed this monstrous cast of characters. Miss De Camp acted with discrimination and spirit. The public were pleased, were intoxicated: every lip moved in gay approval of the sprightly little captain. It was well; at least the character was well dressed, well sung, and well acted; and well in miss De Camp, who, in taking the part, merely complied with one of the many caprices which her profession is obliged to submit to. But such absurd, unqualified, and reiterated, testimonies of approbation, were not well in the public.

In assuming the male garb miss De Camp did no

outrage to her modesty. There is no more necessity in reason to interdict the women of England from wearing the usual close habit of a man, than there is against the men in Turkey for usurping the common garments of women, and apparelling themselves in petticoats. Distinctions of dress are laws of custom only; and by the custom of seeing the limbs of one sex displayed, and those of the other always concealed, ideas of decency and indecency become attached to the obeying or disobeying of these customs. Hence, in the north of Europe, a female adopting any part of the male attire is accused as an infringer of a proper law, and condemned as having made a breach in modesty. When vanity is the mover in the assumption of any unusual garb; when a woman, at its command, steps out of the common mode, and intrudes upon the fashions of the other sex, either in gait, manner, or apparel, she renders herself obnoxious to the charge of indelicacy, nay, of impudence; and must of course be shunned by the women, and despised by the men.

But in the case of the fair representer of *Captain Macheath*, she who, by the hard enforcements of obligation, was constrained to shew the entire symmetry of her little form, from the period when she personified Cupids and Sylphs, till she gradually approached maturity, through the various male characters of pages, genii, &c.; she could not, with any justice, have been accused of outraging her own modesty, or even decorum, in putting on the character of *Captain Macheath*. We repeat, *she* did

well in two instances: she undertook an arduous part to serve a brother-performer, and she accomplished what she undertook. But did her *audience well*, to load her with applauses in the theatre; to speak with ardour of the delightful actress, and yet blame her for giving occasion for that pleasure? Inconsistent, ungrateful, public! Libertine even in your most innocent amusement! While you applaud, you blame; while your praises seduce, your rigour condemns! Every lover of female delicacy; of the timid step, the downcast eye, and blushing cheek; of interesting, virtuous, and patient, woman, must deprecate the prevalence of the taste which unsexes females, and puts them in the place of men, on our different stages. They are excused; but the public, who declare a more lively admiration of them while under metamorphose than when they appear as nature had intended; and the mercenary authors who write to gratify so vicious a fancy, are unpardonably to blame. The actress herself is pledged to take whatever character the manager assigns to her; and she is no more reprehensible for appearing as *Sir Harry Wildair*, or *Captain Macheath*, than the soldier would be when he obeys his commander's extravagant orders, and strives to seize some post that is out of his line, and beyond his powers. The soldier forfeits no honour in the repulse; the disgrace falls upon his general. The actress loses no virtue by appearing without the gates of modesty; they who called her forth, and they who hailed her approach, are the culprits;

they stand at the bar of injured delicacy; it is they who affront woman in thus tearing off her veil, and setting her before the multitude.

Necessity commands every thing, except virtue (for virtue is imperial, and owns no superior under heaven); and therefore, in obedience to necessity, women go on the stage; and, as a consequence, they must obey the lawful directions of the manager. Sometimes to assume the male dress is one mode (though a lamentable one) of this obedience; and when the world (who entice, and afterwards upbraid) reproach the fair Proteus, she may justly parallel her own case, and their malice, with that of the Roman girl and her mother. The story is related by one of our modern travellers; and the incident happened at Rome. He called one morning at the door of a celebrated painter in that city. An old woman and a lovely young creature were coming out at the same time that he entered. When he was shewn into the artist's room, he found him employed on the picture of a Venus rising from the sea. In the face of the goddess he instantly recognised the features of the young beauty who had passed him in the portico.

"The whole of the figure is done from her," said the painter; "and she is gone now only to take some refreshment: she will return immediately that I may finish it."

The Englishman was shocked, as well as astonished, when he understood that the old woman who accompanied her was her mother; and that

she had proposed this exhibition of her daughter to the painter. A short time after the artist withdrew on the summons of some visitants; and while the traveller stood gazing on the picture the pair re-entered. At the sight of the mother leading in the young creature, as Iphigenia was led to sacrifice, he condemned the action rather roughly; and called such display of her daughter's person by the harsh name of *prostitution*.

"We are poor; we were perishing;" replied the old woman mildly: "she would not see her mother die; and to *save* her from *prostitution* I thus expose her person."

The reason was just; the remedy was horrible. But it ought to teach us candour, caution, and gentleness, in sifting the motives and relations of actions, before we put the worst construction upon what may possibly deserve the best.

Violent remedies are generally dangerous. This woman's way of curing poverty was as perilous as any that could have been devised. The stage, from its many disagreeables, and the despotic powers of its rulers, is far from being a station of safety, either for the character or the feelings. The feeling of delicacy is wounded, as was before said, when a woman is constrained to appear as a man: and therefore the authors of these monstrous transformations (if they mean to be honest men) in vain plead the public taste in their favour (a taste for vice can never make vice virtue); in vain appeal to the plays of Shakspeare as an authority. If they

do not produce such credentials on the presumption of having an ignorant jury, they must be ignorant themselves, else they would know that the witness they have brought forward will give evidence on the other side. Shakspeare must ever speak for nature. There were no female actresses on the stage during the reign of Elizabeth; and to *avoid* unnatural assumptions of a different sex, he put as many of his female characters, as the management of his plot would allow, into the habits of men. As boys were to personate his Imogen, Viola, Rosalind, &c. he preferred humouring Nature, before the egregious absurdity of forcing her to a grotesque compliance with his own fancy.

Miss De Camp has filled several parts resembling these with great credit to herself; and as she has been used to male garments almost as much as to her own, she moves with ease and grace, where most other women would be constrained and awkward.

The character in this class, in modern comedy, which is most interesting, and the least offensively dressed, is that of *Julio* in *Deaf and Dumb*. The performance, manner, and habit, are those of a French youth to a perfect illusion.

French sensibility is active and evanescent: English sensibility is quiet, thoughtful, and lasting. The exiled heir of a British family, returning to the mansion of his fathers, the home of his infancy, amongst the friends whom he had loved, and the relations who had betrayed him, would have been

overwhelmed with sorrowful recollections; and standing pensively, meditating on what was past, he would scarcely have eyes for the present, or any wishes for the future. The soul being struck, would maintain its ground in silence and immobility. But the Frenchman being the actor, tears, sudden gusts of passion, a prompt motion, and ready cognisance of every surrounding object, would pourtray the fond, but versatile, spirit; and such did miss De Camp make the character of *Julio*.

Hypolita, in *She would and she would not*, she manages with much judgment and feminine propriety. There are others also which acquire new graces in her hands: but when the respectable and charming woman is degraded to play the jockey in buckskins, a whip and jacket; when girt up in a recruit's uniform she is made to go through the manual exercise before a shouting and vulgar mob, the eye of delicacy turns away, and that of friendship closes on the scene. When such low and gross characters are to be performed on the stage, let those take them who have abandoned all claim to respect; and if there be no such actresses in our theatres, let there be no such plays in our theatres.

The talents of miss De Camp shoot far beyond such indecorous and disgusting representations. The woman who performs *Lucy* in the *Beggar's Opera*, with a truth, precision, and spirit, that cannot be excelled, need not be reduced to the legerdemain of *Macheath* to acquire celebrity.

Miss De Camp is particularly happy in filling

these lines of comedy where vivacity is to be united with elegance; and in those ballets which require taste and interest to be added to splendid scenery and busy action.

The fair, versatile, heroine of the *Prize*; *Miss Sterling*; *Maria*, in *Of Age Tomorrow*; many of the late Mrs. Crouch's characters, and most of signora Storace's, are well placed in miss De Camp's hands. She possesses a person and manner that would impart new charms to such parts as *Letitia Hardy*, in the *Belle's Stratagem*; and *Miss Hardcastle*, in *She stoops to conquer*. Her style of dress is excellent; and her imitation of the prevalent classes of our women of fashion critically true.

Her personification of the languishing and treacherous coquette in the *Fashionable Friends* (a play that was condemned the third night of its representation), was an exact copy from a very prominent rank in high life. That graceful, whimsical, and chaste gaiety which adorned the models whence Mrs. Abington and miss Farren drew their delightful *lady Bobs*, *lady Bells*, *lady Townleys*, &c. are now very seldom seen.

The revolution of manners which the revolution in France spread over all Europe, even to the very centre of its courts, produced laxity on one side, and an extreme stiffness on the other. Urbanity, modesty, politeness, and the graces, seemed to fly before anarchy, impudence, and effrontery, and all the wild variety of rudenesses. The really civilized and worthy took alarm at this; and the bond of di-

vision was drawn very tight. Women are now either too facile in yielding their conversation to men, or too reserved in withholding it. Unamiable as a cold demeanour may seem, they who adopt it know that it is one means of defending that ground of respectability on which the female character rests. When men cease to regard women with that reverence which restrains them from attempting personal freedoms; and when, instead of the bow of salutation, and polite inquiry after health, the rough seizure, shake by the hand, and familiar "How d'ye do?" are substituted; to repel such impertinence a chilling and distant air must be worn. Could the lovely sex freeze the coxcombs into lumps of ice, and transport them to the North seas, they might find much congenial society amongst the bears of the polar star. In short, it is the duty of every woman of delicacy to sacrifice the softer graces of the gentle queen of beauty, when called upon, to assume in their place the severer mien of a Diana, whose dignity will not brook intrusion. Such curbs in the hand of the fair are highly requisite to preserve public decorum and private happiness. The decent reserves which are maintained between the sexes hold them in their proper stations and distances. But when the approach is not only made close, but with a shock, all the roughnesses and deformities of each are discovered and felt. An ugly equality is introduced; a disgusting familiarity; and where ugliness and disgust cohabit, love is smothered in the cradle. No-

thing so pure can exist in contaminated air; and the breath of his nurses is pestilence. There is a sprite (who sometimes assumes the name of the "gentle god of soft desires"), a serpent-form, the detestable *anteros!* He may be engendered in the fog; for his food is poison, and his touch is more baneful than the plague: it gives inquietude, misery, contempt, and death.

High life presents very few lady Graces who dare to look over the bulwarks by which they are forced to embattle themselves. Impudence points his arrow on one side, and detraction levels her sling on the other. To avoid these united foes they must manage their personal advantages "soberly." They must be beautiful, accomplished, and beloved, without appearing conscious of possessing any one of these endowments. A lovely and modest woman of fashion is now engaged in a defensive war against half the world; against those who would dare to seize on her smiles as they would a prey; and those who envy the power which her smiles possess. Nay more, she has her own natural ingenuousness to contend with; which would incline her to the innocent sportiveness of youth, to a delightful confidence in the honour of her associates, and the courteous kindness of their hearts.

These modes have passed away; and the present state of the stage (which is the mirror of the times) shews that they have. What are all the fine ladies of our modern plays, our *lady Seraphinas, Zephyrettas,* &c. &c. but a race of flippant, giggling,

flirts? or of vapourish, intriguing, and dangerous coquets, with Cupid's bow in one hand, and the dice-box in the other? Such characters, having nothing to do with the heart, cannot excite interest: hence the source of amusement must be drawn from other springs; and in place of good writing, versatility of character, and vivacity of plot, we have stale jokes, Irish bulls, fine scenery, and processions, in abundance.

Notwithstanding the insipidity of these plays and farces, the talents of miss De Camp have always contrived to give some charms to the scene. Her person, playfulness, and enlivening expression of countenance, do that for the author which he fails to do for himself; and while we applaud the actress, we cannot but regret that she has not parts to perform more suited to her powers and taste.

The accomplishments of her mind do not stop at the stage: she writes well; and though *First Faults* (her earliest literary work) produced her much vexation, her friends give the dramatic world reason to hope that her pen may yet enrich it.

While this charming woman pleases the public by her imitative genius, the real virtues of her own character render her family happy, and delight her friends. Her tuition and influence placed her only brother, Mr. Vincent De Camp, on the stage, and secured for him a good engagement in Drury-lane. She obtained a similar situation for her sister Adelaide, in the north of England, where she played

many seasons with great success in the theatres of Mr. Tate Wilkinson and Mr. Stephen Kemble; and she is now engaged at Covent-garden theatre, along with her exemplary relative.

Miss De Camp remained a firm support of the decaying fortunes of Drury-lane, under all its accumulated distresses. No temptations from the rival theatre could induce her to desert what she considered as the fostering soil of her genius. From this stationary engagement (which had lasted from infancy to youth, and from youth to womanhood) she occasionally made theatrical excursions to the different watering-places along the sea-coast, and particularly to Weymouth, where she became a great favourite with the royal family. She also visited the north, as one of those *dramatic stars* which, in the language of the theatre, are invoked to attract the wearied audience of a country company.

The fatigue consequent on these frequent journeys, with other circumstances, conspired to injure her health; and this valuable young woman, whose filial piety and virtuous conduct were the admiration of all who knew her, was reduced to the point of death. Her physicians ordered her to France during the late peace: she complied with their advice, and returned convalescent.

But a renewal of the same avocations and toils produced several relapses; and, once or twice, the public have been on the point of losing a most estimable actress and member of society. The friends of miss De Camp (amongst whom she numbers some

of the most respectable female characters in England) sincerely rejoiced in her recovery from so many perilous attacks. And last winter the charming Therese looked more animated, and more captivating, than ever in the sprightly, busy, and amusing, character of *Morgiana*, in the *Forty Thieves*.

At the close of the season the managers of Covent-garden again attempted to remove so attractive an auxiliary from their opponent. Her fidelity had not met with its reward, for she saw others occupy what ought to have been her stations; and consenting at last to increase the strength of her proffered allies, she accepted an engagement; and now fills, with ease and dignity, her rank in that theatre as the first comic actress.

Soon after she signed her articles with Messrs. Harris and Kemble, she gave her hand to Mr. Charles Kemble; whose elegant manners, irreproachable character, graceful talents, and long attachment, had every claim to the honour and happiness of being her husband.

LORD SOMERVILLE.

IT was the opinion of a writer exquisitely skilled in the human mind, that no man undervalued antiquity of descent but he who wanted it. The French revolution perhaps, during its enthusiastic flights, occasioned a temporary infringement of this inbred

sentiment of ancestorial pride; and we read of a noble of a very ancient house, at that frantic period, who actually made interest with a butcher for the grant of a claim of consanguinity. That, however, was the grand era of deviations from general rules; and we believe that the sentiment of which we speak, will never cease to have a preponderating influence in the mind of man: the source indeed, in some men, of a barren and obtrusive vanity; in others, of a magnanimous and generous pride, which stimulates to the noblest actions.

Few families have higher claims of this nature to boast, than that of the noble person whose character and public conduct we have undertaken to pourtray to his approving countrymen. The family of *de Somerville* settled, at a very remote period, in Normandy, giving their name to a village in that country, near Ebreux, where their property laid, and according to ancient tradition, were of Roman origin. *Gualtier de Somerville*, afterwards sir Walter, in England, was one of the great Norman chieftains who accompanied William in his expedition to this country, and was rewarded by the Conqueror with large grants of land in different parts of England. One of these, the barony in Staffordshire, was held by a tenure similar to that of Dunmow in Essex. Somerville Aston, in Gloucestershire, the title to which is antecedent to any existing records, and which has been enjoyed in uninterrupted succession by the family, was bequeathed, with certain other estates, by the celebrated poet Somerville, the

last of the English branch, to James, the twenty-fifth lord, great-grandfather to the present.

The family of Somerville, in the course of several centuries from their establishment in this country, spread themselves into both Scotland and Ireland; in the former of which it is at this day very numerous. The date of their settlement in Ireland is uncertain. The heads of this house have, for many centuries, had landed possessions in both those countries, but the peerage was obtained in Scotland. Their emigration to Scotland was, perhaps, occasioned by the following accident. One of them, during the reign of the Plantagenets, in consequence of some homicidal irregularity, so frequent in those turbulent times, was necessitated to fly to the north, where he was received with distinction, and highly promoted by the Scottish king. As has been observed, the old English branch of the family became extinct in the poet, when the inheritance falling to the immediate ancestors of the present lord, they were induced again to adopt this country as their chief residence, after a lapse of so many ages.

The present John lord Somerville was born in the year 1765, in the vicinity of Fitzhead, Somersetshire, where the family-estate lies. He received the rudiments of education at Harrow-school, under Dr. Heath; whence he was removed to Peterborough, continuing there three years, under the care of a private tutor. His education was afterwards completed at St. John's, Cambridge, where he took the honorary degree of master of arts.

In the year 1785, or 1786, with the intent of making the usual continental tour, he spent the winter at Nice in Provence; he afterwards sailed in company with the late duke of Bedford, on board the Trusty flag-ship, for Leghorn. These young nobles having made the tour of Italy, returned through Switzerland, and passed on to Paris, where, as the centre of attraction, they remained during the allotted period of their time upon the continent. To whatever degree they might indulge in the unavoidable dissipation of that metropolis of enchantments, there can be no doubt that their active minds were equally intent on the more solid and rational enjoyments which Paris has also to bestow; and that there the foundation was laid, of that knowledge of the world, for which both of them have since been so highly distinguished. There also was matured that juvenile attachment between these two friends destined to similar public pursuits, which never cooled or ceased, but with the life of the illustrious duke.

Returned to his own country, Mr. Somerville fixed his permanent residence on his native soil, in Somersetshire. Unfortunately, on his coming of age, a question arose, not indeed as to his right, but as to the conditions on which he was to possess the estate descending from his mother, who was an heiress; and the affair being in chancery, he was kept out of possession during six years; at the expiration of which period, his title was fully ascertained by a decree of lord Thurlow. It was said, at that time,

that the decree was accelerated by a very spirited, as well as judicious, letter of Mr. Somerville to the lord chancellor; a man of a singularly capricious character, but in whose rugged mind a sense of justice was ever predominant.

Mr. Somerville's time had been previously divided between the enjoyments and avocations of London, where he moved in the highest circles of fashion, and those of the country, where the field sports, particularly fishing and shooting, were his chief amusements. But his mind was naturally turned to objects of utility; and far from suffering the whole of his attention to be absorbed by the luxury of mere amusements, he divided it between business and pleasure with a firmness and regularity which have adhered to him through life, and which have served to form a prominent and distinguishing feature in his character. Attached by his earliest inclinations to the soil and to rural affairs, he now made the election of husbandry as a profession, in which he was ambitious to serve both his country and himself. The business in chancery above stated had not yet been terminated; but Mr. Somerville occupied by sufferance one of his estates, situated in the mountainous part of Somersetshire. Here began his first essay, which was to be the foundation of his future eminence in the agricultural world; and by dint of steady perseverance in the best adapted practical measures, the estate in question was improved, or rather an estate was there created, which has ever since, as the writer of this has been assured,

rendered eleven per cent. upon the capital employed, and yet further improvement is obviously practicable.

This strong predilection, however, for rural business did not so engross the mind of Mr. Somerville, as to prevent him from giving that attention to public affairs which is so peculiarly the duty of every Englishman of rank and property. It is probable that he chose his side, from which he has never swerved, not fortuitously, or from mere connexion, as so frequently happens, but from reflection, grounded on a comparison of the principles and views of the two grand parties. As a man of fashion, and a member of the clubs, he was intimately acquainted with the young men at Brooks's, who were most strenuous in their opposition to the minister, and who entertained the most sanguine hopes of melioration to the state of mankind in general, from the principles promulgated, and the examples held out, by the French revolution. But his cautious mind received no bias from the political tone of the company he kept. He viewed, and we have his own authority for the assertion, the probable result of the great political transactions then at issue in the world, through a different, or rather nearly opposite, medium.

Influenced by such principles, Mr. Somerville was one of the first, both by precept and example, to promote the plan of arming the country. And in 1794 he wrote a spirited pamphlet, addressed to the yeomanry of England, urging them to stand forth,

and by their arms defend that property which their industry had acquired. This pamphlet was generally supposed to have attracted the notice of the highest powers in the state, and to have been the origin of that honourable predilection which its author has since invariably experienced. Notwithstanding a bad state of health, the consequence of his horse falling upon him in hunting, he immediately raised a corps of yeomanry, which, as the value of their services was experienced, he increased to five troops. Other troops being joined, he was appointed to the rank of colonel, in which he continued to serve until after the peace, when again meeting with a most unfortunate accident in Hertfordshire, the overthrow of a carriage, by which both his shoulders were fractured, he was compelled to resign his military situation.

At all times, however, and under all circumstances, he laboured sedulously in his original, and to him natural, employment, the culture of the earth. The name of Somerville had indeed become implicated with the agriculture of the country; and on the first institution of a board of agriculture, he was nominated one of its ordinary or acting members, and in the course of a very few years, was called to the presidency: an honourable distinction which he did not seek, but which, far from avoiding, we are persuaded he accepted with the most patriotic views. Here, however, his good intentions were in a great measure frustrated, and his powers of serving the great cause of husbandry limited, or rather te-

tally paralized; for the funds of the board remaining considerably in arrear from the expences of the outset, he never, there is reason to believe, had a single shilling to bestow in the necessary encouragement and furtherance of meritorious exertion, during the whole time he presided. A situation like this was peculiarly irksome to such a mind as that of lord Somerville; and, as he expressed to his friends, he could neither serve the cause to which he was so ardently attached, nor please himself. Yet in one important respect the country has been essentially benefited by the example of lord Somerville, who, as well during his presidency at the board of agriculture, as on every occasion throughout life, has to the utmost, discouraged every attempt to degrade the cause of science and of husbandry, by the connexion of political intrigue, or party spirit. His liberal and impartial mind embraces the honest, the able, and industrious of all parties; and this is a governing trait in the character of the noble lord, to which we request the attention of the reader.

Lord Somerville's health being in a declining state, his lordship intimated to the board, the necessity which existed for an immediate change of climate in order to his recovery; and a passage being offered him in the La Constance frigate, he sailed in 1799 for Lisbon. From that period his lordship has declined the since repeated offer of presidency; and has had no further connection with the board of agriculture than as a member and promoter of the institution. About the year 1797 he succeeded to

the title by the decease of his uncle, one of the sixteen peers of Scotland; and a dissolution of parliament shortly after taking place, he was elected, and re-elected one of the sixteen, on the commencement of the late parliament; and during ten years of political difficulty and danger, unprecedented in our annals, he has steadily supported, to the best of his judgment we are convinced, and from motives of the purest integrity, the cause of his king and country. Two years after his election to parliament, lord Somerville was honoured with an appointment to his majesty's bed-chamber; a post which, in the general estimation, savours too much of dependance; yet surely such an idea ought to be regulated by the character and condition of the person promoted. This honour was greatly enhanced to lord Somerville, not only by the manner in which it was bestowed, but from the peculiar circumstance of its being announced to his lordship in the field, and upon the spot, where a successful effort in husbandry had just been achieved.

We come now to a most important branch of the public services of the noble husbandman; one in which he is universally known to have stood forth pre-eminent. We allude to the improvement of our national fine woolled sheep, by means of crossing them, or mixing their breed with Spanish rams; finally of introducing and naturalizing to our soil the long-celebrated Spanish Merino sheep. To readers not particularly versant in this subject, it may be necessary to explain, that wool, our great

national staple, comes under two principal divisions; the long or combing wool, for inferior articles of manufacture, and the short, or carding species, from which, mixed with a considerable portion of fine imported Spanish, we have been accustomed to fabricate our superfine broad-cloths. The kingdom of Spain has, for nearly two thousand years, been the depositary of this invaluable breed, bearing the true golden fleece, originally obtained, according to Columella, from Asia and Greece, and styled *covered* sheep, from their being thickly covered with wool, from the head and face to the very feet; denominated also *erythræan*, from the bright and reddish colour of their fleece, distinctions which the genuine species bear equally at the present day. To complete our manufacture of fine cloths, has always cost this country immense annual sums in the importation of Spanish wool; and the home-growth of a sufficiency of that precious article has, during a considerable period, been a desirable object with our rural economists of the soundest information. His majesty, it is well known, sat the first example of a considerable importation of Spanish sheep; and from this patriotic example of royalty, doubtless, our noble shepherd first took the hint.

In the voyage to Portugal, already adverted to, lord Somerville appears to have had two objects in view, the recovery of his health from the well-known salubrity of the climate, and the obtaining a stock of Merino sheep, of the highest blood and quality of

wool, in which he reasonably expected to succeed, from his proximity to the spot where they were to be purchased, and by his own personal exertions in the choice and direction of his agents. After a variety of difficulties, half of which would have baffled any one but an enthusiast in the cause, and no small risk, for the penal laws of Spain are very heavy in this case, the plan succeeded in a degree to answer the most sanguine expectations of the indefatigable projector; and a considerable number of ewes and rams, selected with the utmost judgment for fineness of fleece, were provided, and put on shipboard for old England, where they safely arrived. And thus the modern Jason bore home the golden fleece. A correspondence was moreover established, by virtue of which, two large importations have been since made, the whole at an expence of many thousand pounds.

It is but to render common justice to lord Somerville and his coadjutors, in this cause of truly British interest, the chief of whom was the estimable and experienced Dr. Parry, to explain the nature and extent of those difficulties which were thrown in their way by the obstinate prejudices, and the interested, or rather mistaken and narrow, views of a formidable party of manufacturers. This, in fact, was far the most discouraging of those obstacles which our patriotic improvers had to encounter; for to what end incur themselves, or urge others to incur, the certain labour and expence of improving our national wools, if no remuneration, not even that

of bare thankfulness and gratitude, were to ensue, but that all due advance of price must be obstructed by an interested combination, which attempted also to strangle the improvement itself in the birth? It was literally thus, that former repeated attempts had been rendered abortive; and their steady perseverance is an honourable characteristic in our present improvers. The coincidence, that the body of manufacturers and wool importers in every country of Europe, where the melioration of wool was attempted, acted the same part, as if by general participation and consent, has nothing at all of the singular or wonderful in it. Bodies of men, the creatures of established custom and presumed interest, generally so conduct themselves.

To limit our remarks to the manufacturers of our own country, it was of no avail to represent to them the vast benefit which must result from giving at home, upon our own soil, a part, and ultimately the whole, of that fine wool, which we had so long been under the necessity of importing at an exorbitant price from Spain; or to caution them on the strong probability of that country becoming hostile, and thence of a great enhancement of price, at least of the raw material, to our fabrics, if not of frequent and material disappointments of purchase. To as little purpose was it to place before their eyes, and to remind them of the examples of Sweden, of Saxony, of Prussia, of Hanover, and more particularly of the recent example of France, where the improvement in question was then carrying on with

indubitable and brilliant success, and upon the most extensive scale of national projection. To these arguments and these facts it was generally replied, that no similar improvement could ever possibly take place in this country; and that British superfine cloths could not be manufactured but with wool imported from Spain, the growth of that country. *Particularly*, it was urged, that the wool of Merino, a Spanish sheep, degenerated on a foreign soil. That its fine quality principally depended on certain annual journeys which the Merino sheep were accustomed to travel in Spain, a progress impracticable here. That our country was too cold for such a breed. That the winter care of those sheep would be too expensive; and, finally, could we succeed in preserving the genuine quality of the wool, we should still find a balance against us at the foot of the account, from a necessary decrease in the weight of carcase or quantity of mutton. Not only were these objections forcibly urged at all meetings held on this business, but pamphlets containing the same arguments were circulated among the manufacturers with the utmost industry.

On the other side, the publications of lord Somerville and Dr. Parry made a lively and permanent impression on the public mind, on the wool-growers of the country especially, and on a respectable part of the manufacturers; some of whom, to their honour, had from the first acted with the utmost candour and impartiality, by lending their professional aid whenever it was required. In the above

publications it was proved, from unimpeachable authority, that both Saxony and Sweden, far more rigorous climates than South Britain or Scotland, had, during a course of upwards of fifty years, naturalized the Merino sheep to their country, without the smallest perceptible deterioration of their wool. That our success in this island had been equal, for the time the experiment had been tried; the expence of winter-keeping Spanish was no greater than that of English sheep; and that no loss was probable to result in the article of mutton from the experimented fact, that a larger proportional number of Spanish than of English sheep might be fed upon an acre of land, in consequence of the inferior size of the former. To these arguments was appended the important fact of the superiority of Spanish mutton over every other species in use, for delicacy, *haut-gout*, and substantial firmness; and for such fact the present writer will most readily vouch. *Experto crede Roberto.*

All further opposition to the evidence of facts now brought before the Bath society and the public at large were vain and fruitless. That the improvement stood, independantly of argument or recommendation, upon the visible and tangible ground of its own merit, was reluctantly acknowledged, and Anglo-Merino wool now held its proper rank in the market, and was eagerly bought up at a fair advance of price. The cloth made both from the pure Merino, and the Merino-Ryeland, wool of his majesty, lord Somerville, and Dr. Parry, was found

to be an excellent and merchantable commodity, of beautiful fabric, and fit for every requisite purpose of durability or shew.

But lord Somerville did not confine his experimental exertions to the fleece alone: he proved, from authentic details laid before the Bath society, and afterwards published, that in his ordinary routine of sheep-husbandry in the west, the produce of his English ewes, chiefly Ryeland, South-down, and Mendip, by Spanish rams, was even superior in the acreable return of mutton to that which he had been previously accustomed to make upon the same land from English stock alone, the new Leicester and the Bampton, or large long-woolled sheep of the west. But on this head it will be most proper to allow the noble lord to speak for himself, in a quotation or two from his late publication, intituled, "Facts and observations relative to sheep, wools, ploughs, and oxen," in which his lordship has really, and with good faith, adhered to his following prefatory declaration: "No speculative opinions whatever are brought forward; but the author has, without any embellishment of language, adduced such facts as for some years past have confirmed, and still continue to confirm that which, as a matter of duty rather than inclination, he was led to treat of. He has now brought these subjects to a conclusion, and he trusts to a satisfactory one; and thus takes his leave of them."

In order to elucidate the quotations which follow, it may be necessary to premise, that it is the

custom in Spain, and adopted here with our Merino wool, to divide or sort the fleece into three portions of different qualities, namely, into *rafinos*, *finos*, and *terceros*; or superfine, fine, and fubs, or refuse; and that the cloth which gained the premium from the Bath society, was manufactured from wool the produce in part of half Spanish and half English sheep, and in part of pure home-grown Spanish. Mr. Joyce, the manufacturer, informs lord Somerville by letter, that his lordship's wool had less finos and terceros (inferior, as above) in it than any wool that had yet been manufactured for the society, being both less than seven pounds from thirty fleeces of ninety-six pounds, much less than what are usually thrown from Spanish wool. That forty-seven pounds of rafinos (superfine), when woaded and manufactured, produced twenty-eight pounds three-quarters of navy blue cloth; the remaining sixteen pounds six ounces of the rafinos, when manufactured, made twenty-five yards of uniform white kerseymere. Lord Somerville proceeds, page 5:

"The sires of these sheep were good in their frame: one of them has been let out this year at one hundred guineas for the season only. His wool apparently is not of the finest quality; we had many better; but the goods manufactured are evidence sufficient of the value of this breed, as applied to our manufactures, did not the small proportion of second and inferior wool put the matter beyond all dispute.

"Eighty-six ewe-hogs (young ewes) of this mixed breed carried two hundred and thirty-five pounds three ounces of well-washed wool; which, at three and two pence per pound, amounted within a very few shillings to thirty-seven pounds per pack-

After the committee's decision (Bath society) its value may safely be rated at three shillings and sixpence per pound, forty-two pounds sterling per pack. The cross with our South-down sheep, both with respect to the frame and wool, keeps pace with that of the Ryeland. Having a flock of each sort, I am unable to give the preference to either.

"The Ryeland sheep are one-third less in size, on an average, and we can stock one-third more in number per acre. If we esteem the Ryeland as good nurses to their lambs, we must value the South-down as healthy and quiet stock. The crosses from each bear the same proportion in stocking per acre to the present stock, and lose nothing either in size or weight. The half Ryeland and half Spanish hogs are larger in size than Spanish or Ryeland full-mouthed sheep. Why this is we know not. They partake of the docile temper of the Spaniard. Fifty Mendip ewes were bought in, not as a store flock, but with a view to ascertain the effect of this cross on a horned breed. Their size, the quickness of their proof, or aptitude to fatten, and the excellent quality of the meat, can bring no discredit on this breed, which is already high in estimation. The same may be said of the South-down and Ryeland crosses with respect to value of mutton. We may, without much indiscretion, anticipate the society's judgment of these admixtures, and declare them to be fortunate, and in every point of view beneficial to the public. The wether-hogs are not more than nineteen months old; and the ewes dropt having their lambs late in the season, owing to the late arrival of the rams in England, the lambs were weaned on the hills bordering on Exmon, where our sheep are summered. The climate was too severe, and the lambs were stunted, or stopped, in their growth; nor could they be made to move again before the month of October, so that the sheep can only be said to have a twelve-month's growth. Under these circumstances we trust it will appear that they have the means of coming to market as good meat, and at an age as early as the public interest could demand, namely, from twenty to twenty-four months old. It has been deemed the criterion of a good and profitable breed of sheep to ripen early, because there is room to multiply such breeds far beyond

those of slower proof. If a sheep can come to market at two years old, his fleece will be long enough for our manufactures, and not sold at an inferior price, as skin-wool; much before this period it would be unfit. The growth of any high-proof breed of sheep is far greater the first and second than the third year; therefore it may be urged that more profit can be had from the animal at this time than at any later period, its growth and fleece considered. If attempts had been made to bring into general use a breed of sheep whose fleeces were of value, but incapable of getting fat, we should be receiving with one hand what we were throwing away with the other, no general benefit could result: but when we bring sheep bearing such heavy fleeces, and that wool capable of making broad-cloths and kerseymeres, of quality sufficient to obtain the society's premiums, and of a proof or aptitude to fatten, equal to, if not exceeding, any short-woolled sheep we have, the principle is no longer to be controverted; it becomes a breed of extreme value. Proof that both these objects can be obtained will be set before you. No desire of change, or love of innovation, led me to abandon the long-woolled sheep of my own neighbourhood, the Bampton breed darked with the new Leicester; but there was a prejudice so strong among our butchers against the latter breed, that we were compelled to look to Bristol market for purchasers at the distance of fifty miles from home. This stock continued to decrease in size considerably, in spite of all attempts consistent with profit to maintain it, notwithstanding fresh rams were three times brought from Leicestershire, in the twelve years these sheep were in my possession; the loss of size in each four years amounted to nearly five pounds per quarter. It will naturally be asked, what sort of poor, hungry, soil this must have been, which could not maintain such sheep? It was the vale of Taunton, proverbially known to be one of the most fertile spots in this kingdom; and much of the grass-land on which these sheep were depastured was equal in strength to any of the vale: it stands valued at two pounds fifteen shillings per acre. A man must be blind who could withstand such evidence as this. Nature pointed out that this stock was too coarse in quality, or our climate unfit, it matters not which; the fact was plainly marked,

and it was merely an act of common prudence to follow her dictates. How many thousands, how many tens of thousands, of acres are there in Great Britain which stand exactly in the same predicament! These sheep were sold, and the same land which carried forty-five breeding ewes, was immediately stocked with one hundred and fifty Ryelands in their stead. The neighbours said they would all be starved; the winter was severe, but the ewes maintained themselves moderately well, and their lambs at weaning time were in the very best order. The ewes were stocked during the succeeding summer at the rate of ten per acre, and came back into the vale in good store state. One lot of these two-toothed sheep was bought by a farmer in the neighbourhood, and put to turnips; between Candlemas and Lady-day they were all killed; and on an average they turned out more pounds of rough fat than they were pounds per quarter. Land of the vale of Taunton might have supported coarse-woolled sheep in size, had they been pushed in first years grass, or turned in red clover up to their eyes, and the refuse mown afterwards for hay; but this was buying a good thing too dear; it is not the size of individual sheep, but the quantity of good meat and wool per acre, which must enrich the farmer, and feed the public. It is to be lamented that we are such slaves to size, and that the eye can hardly resist it. A medium is most desirable; but if extremes are to be admitted, without a doubt the small sheep, fine in its grain, is a more marketable commodity. The rich will have it because its quality is superior; in short, because it eats better: the poor man will find its joints more adapted to the strength of his purse; and the dearer meat is to be, the more this argument applies; for legs and shoulders of mutton cannot be conveniently cut and retailed in pieces. There remained then but the manufacturer, the mechanic, and the middle-class of housekeeper, to prefer coarse-grained meat; so we reasoned when we first sent this Ryeland mutton to market; but these were the very people who greedily bought it at a penny per pound advance in price, and that too in a manufacturing district."

The noble lord tells us in a note that the lambs of the above flock were summered on the uplands, at

more than the rate of twelve per acre, and stocked nearly as hard throughout winter and spring; and so far from having suffered therefrom, the wedders fattened afterwards to the size of upwards of sixteen pounds per quarter: a weight that sheep of that breed had not been thought capable of attaining. And of his pure Merino wool, his lordship informs us, he had sold none for less than one guinea per fleece. In 1801 the fleeces weighed, on an average, rams, ewes, and ewe-hogs, six pounds eight ounces each in the grease; in 1802 seventy-nine fleeces sold for seventy-nine guineas, weight somewhat less than the above.

We have already observed that the reality of this great national improvement had been at length established beyond the possibility of further question or cavil; and that Anglo-Merino wool and its manufactured produce, English superfine broadcloth, commanded the best market prices, and the unalloyed approbation of the public; the only *deficit* relates to quantity; and that must, and fortunately is, about to be remedied by the meritorious exertions of our flock-masters in various parts of Britain, over which the Spanish cross is gradually finding its way. We ought indeed to make particular and honourable mention of Mr. Tollett, of Staffordshire, one of the most spirited and most successful of our Merino breeders; and of Mr. Coke, who has lately introduced into Norfolk the Merino ram. It had been generally said that the Fitzhead flock bore the finest fleece of any

Spanish sheep ever imported into this country; a supposition by no means unreasonable, considering the great pains bestowed, and the persons engaged, in the selection. In order to ascertain this point, however, by the best means in our power, we exposed various comparative samples of both wool and cloth to manufacturing judges, who constantly decided the point of fineness in favour of lord Somerville's samples. We have further particularly examined the filaments of different samples of wool through a magnifier, and have found the above result still more obvious. It is now in our power to work out, in a few years, our independance on all the world, for fine, as well as for long and coarse, wools.

Another great object in rural economy, in the promotion of which lord Somerville has been labouring through life, is the general substitution, where no real obstacles prevent, of oxen for horses, as beasts of labour in the culture of the soil. This indeed seems natural to a farmer born upon a soil where the speediest and best breed of working oxen, the farmer's red cattle of the west, are produced. But lord Somerville, as appears by one of his publications (System of the Board of Agriculture), saw a full confirmation of his opinion on this business in the practice on the continent, particularly in Portugal, where oxen are almost exclusively the beasts of laborious draught, and where he found them of an excellent kind. In the book just alluded to, his lordship supposes the general and indiscriminate use of horses for farm labour, within

the last fifty years, to be a principal and constantly operating cause of the so frequently recurring scarcity of bread-corn. The opinion is certainly not destitute of grounds. Horses are immense consumers of corn of that species, the product of which requires our best wheat lands; and the flesh of horses is not food for man. Oxen require comparatively little corn; and the flesh of the ox is the most precious of human food. Now, in spite of prejudice and fashion, there never could have been a surviving question upon this subject, but from the unaccountable and prevalent blunder of using for labour the heavy, slow, and thick-hided breeds of oxen, instead of those which nature having formed, had thence plainly indicated for that purpose; they order things better at Newmarket, where men do not bring to the starting-post the produce of Belgic blood and Flanders mettle. The use of improper breeds of oxen induces the necessity of keeping ox-teams of more than double the number of horses to do the same quantity of labour; and on that account the supposition of the former being the most expensive animals, in addition to their want of equal qualification. The practice of lord Somerville (here again he follows a royal example), it is probable, as indeed it ought, will in time have the effect of overturning this costly predilection among farmers in favour of horses. His lordship's oxen, although not fed with corn of any kind, do an equal quantity of labour, beast for beast, with the generality of farm-horses; and after their period of la-

bour is complete, are made into beef which commands the highest price in the market. There is surely some difference between the first cost and the ultimate worth of the ox and the horse, the latter of which is no where saleable but at the dog-kennel. The following particulars of lord Somerville's account of ox-labour for the year 1804, presented to the Bath society, is extracted from Mr. Lawrence's General Treatise on Cattle.

"The actual quantity of land ploughed within the year at Fitzhead, is nine hundred and fifty-five acres and a half; but reducing the cartage upon the road, also performed by oxen, to the labour of acres ploughed, the whole would amount to full one thousand acres, which were worked by twelve oxen, from four to six years old; four to a two-furrow plough, with a man and a boy. The same to a waggon to draw lime, coals, &c. making on the whole one hundred and sixty-seven days work; the ploughing generally deep. Fifty-seven acres in autumn ploughed, manured, and sowed in three weeks, though the weather unfavourable, and the land close and heavy. The last nine acres were ploughed, dragged, sowed, and harrowed, in one day. Only three light horses kept, and but one acre of the whole ploughed by horses as a trial. The bulls laboured in turn. In nineteen years lord Somerville has not lost an ox, or broke a yoke or team by sickness or accident, or injured the health or improvement of any by labour; and it is his lordship's opinion, and that of the committee of the society sent to examine the state of his husbandry, that working neat cattle, between the period of three and six years of age, do actually gain after the rate of twenty per cent yearly."

If lord Somerville's management of labouring oxen be really liable to any objection, it lies, as we apprehend, in his working them without the allowance of more substantial provender, namely, of corn, for which their labour will always pay; and

which is the jet or proof of the propriety of such allowance. On one circumstance relating to these patient and indispensable animals, every son of genuine humanity will join us in commendation of the noble lord. His lordship for a long time exerted himself both in his writings and personal attentions to introduce the continental practice of slaughtering oxen by *laying* them, or passing a knife through the spinal marrow in the nape of the neck; by which certain, easy, and expeditious method, the animal falls down in an instant, senseless and lifeless, instead of the old, uncertain, and terrifying mode of knocking down. Lord Somerville has even put himself to the annual expence, during his exhibition, of bringing up from the west a man who had attended him in Portugal, and who there learned, to the most expert degree, the art of laying cattle. The business of this man was to lay the prize oxen, and to instruct any persons who were willing to make trial of the new method; but the prejudices and feelings of butchers were unassailable; and we fear the humane practice of which we speak, so common, and found so convenient upon the continent, is in this country, at present, confined to Exeter, where it was at first patronized by a worthy mayor.

This nobleman has most appropriately, and with much success, exercised his talents and invention upon some of the principal implements used in agriculture. He invented a mould-plate for the plough, and a friction-drag to prevent the too

speedy descent of loaded carts and waggons down-hill; for these a specification was lodged in the office, but no patent was taken out. Lord Somerville's improvements of the ancient two-furrow plough, and of the single plough, have been long sanctioned by the approbation and adoption of some of our most intelligent practical farmers. He has also greatly improved the shape of the coulter, joining stays for greater steadiness, so as to decrease resistance by one-half, without the loss of power.

Lord Somerville is a constant attendant at Woburn, Holkham, and at the meetings of the Bath and west of England society, the presidency of which we understand he declined. He had a principal hand, in conjunction with the late duke of Bedford, in the foundation of the Smithfield subscription club; its object is an annual prize-shew of cattle and sheep, immediately before Christmas, which may excite emulation among the breeders and graziers of the country, and afford the best comparative tests of excellence and utility. Some time after the establishment of this lord Somerville instituted another annual shew, to be held in March, at the old horse-repository in Barbican, the premiums of which are at his own expence. His lordship's motives in this, as appears by the printed accounts of his premiums, are to discountenance the excessive and wasteful fattening of cattle, and to promote an extension of the labouring breeds. This exhibition has been continued during five or six

years, and the business always concludes with a plentiful dinner, which his lordship gives to his numerous guests. The many annual exhibitions of this kind by our great landholders have certainly had a salutary and popular effect, in bringing together, and into a state of mutual good intelligence, persons of very different and distant degrees, but engaged, and more or less interested, in the same pursuits; by this means much needful professional information has been diffused amongst a class of men, heretofore proverbially unenlightened, in their own most important concerns. Lord Somerville is also engaged in the superintendance of the national cattle-plate work, about to be published by Messrs. Boydell and Co. In this, engraved specimens of each leading variety of domestic animals are to be given, as painted from the life by Ward, an artist of the first eminence in that line.

There is much probability in the popular opinion, that no man of his time has acted more variously and more usefully in the great cause of agriculture than lord Somerville, who in choosing such a profession for the exercise of those talents bestowed upon him by nature, has followed the example of some of the most exalted and best characters of antiquity. Had he chosen the military profession, otherwise than as a defender of his native soil, it might have been the dreadful task of his biographer to trace his steps through fields of blood and desolation; of unavoidable ruin, cruelty, and injustice, to man: it is far more pleasant and instructive to hold up the ex-

ample of his blameless and meritorious conduct, whose invariable pursuit it has been, not to destroy human life, but to furnish the best means of its support; not to harass and oppress his fellow men, but to promote their well-being, their industry, comfort, and happiness.

To come more closely to the character of this noble person, he indubitably may be considered as a man of talents, and would have succeeded in any pursuit he might have chosen. He has increased the catalogue of noble authors; but, although a good judge of literary composition, he is perhaps, like most men of rank and fortune, a negligent observer of its rules. If good practical instruction makes good books, lord Somerville's claim is ascertained. We have represented him a stedfast friend to the constitution of his country, both in church and state; but strict justice requires that we should add, he is free from the smallest tincture either of religious or political bigotry. His character seems strongly marked with caution and circumspection, yet he is quick in his resentments, and equally prone to conciliation and forgiveness, the marks surely of a good heart. Thoroughly naturalized to the air of a court, his manners yet strongly incline to the social and popular; and the just claims on his attention from men, of whatever degree, are sure to experience the most affable consideration. Although in ample and independant circumstances, he is not distinguished by an overgrown property; but his rare and excellent economy and decorous regularity of

life, enables him to support honourably and fully the dignity of his rank, to do punctual justice to all, and to make a proper reserve for those occasions of bounty, or those public subscriptions for useful purposes, an attention to which is as accordant with his inclinations as it is becoming his condition in life. He is a warm friend to whatever is ingenious, and materially assisted Mr. Ganard in obtaining an act of parliament to encourage the art of making new models and casts of busts. His lordship also steadily patronizes the labours of Mr. Ward, a painter of consummate industry, and extraordinary merit.

The whole-length portrait of lord Somerville by Woodford, from which the head hereto annexed was engraved, is a most correct likeness. His lordship has not yet been married. He has four brothers and half-brothers, and four half-sisters. Three of his brothers at present bear arms in the service of their country. Lord Somerville is the best of brothers.

Strong objections have been made, and indeed not a few rational ones, to contemporary biography, by certain critics; but the public, the most numerous and powerful, if not the best judges, have overruled them. After all, is there aught indecorous or improper in that general avidity for the detail of those actions, and for a sketch and outline of that character, by which a man has rendered himself conspicuous in society? The present writer thinks there is not; but that the biography of living characters, drawn from authentic sources, and

given with fidelity, may contain information material to contemporaries, and prove the surest guide to posterity.

MR. MITFORD, F.R.S.

M. P. FOR BEERALSTON, LIEUTENANT-COLONEL OF THE SOUTH HANTS, &c.

MR. MITFORD, the elder brother of lord Redesdale, baron Redesdale, of Redesdale, in the county of Northumberland, is descended from an ancient family, originally situated in the north of England.*

He was born February 10, 1743-4, and was sent, at a proper age, to Oxford, where he became inspired with an ardent taste for ancient literature; and profited so much by his studies as to have reflected no small honour on the university in which he was educated.

It may appear perhaps singular, that a mind captivated so early with the lore of antiquity should have adapted itself to military pursuits; but on a recurrence to history we find the heroes of Greece and Rome uniting a knowledge of whatever was valuable in the arts and sciences with the profession of arms; and we perceive nearly at the same time,

* In 1772 William Mitford, esq. served the office of sheriff of Northumberland; and in 1723 Robert Mitford, of Mitford, esq. filled the same office.

in our own days, two remarkable men acting as field-officers of a militia regiment; the one the author of the History of the Decline and Fall of the Roman Empire, the other of the History of Greece.

At what period Mr. Mitford obtained a commission in the regiment of South Hants, of which he is now lieutenant-colonel, we are at present unable to say; but we believe it was soon after the introduction of that great constitutional defence: and as Gibbon observes, that he caught a clearer notion of the phalanx and the legion by serving in a modern battalion,* we have no manner of doubt that the subject of this article was enabled by the same means better to conceive and to describe the battles of Greece.

Mr. Mitford deeply imbued, as has been already mentioned, with an attachment to study, devoted the occasional leisure afforded by a military life to the cultivation of letters. In camp and in quarters, as well as during his residence at his house at Exbury, in Hampshire, he occupied his mind with serious studies; and after due cogitation communicated his ideas to the press.

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* "I diligently read and meditated the *Memoires Militaires* of Quintus Icilius (Mr. Guichard's), the only writer who has united the merits of a professor and a veteran. The discipline and evolutions of a modern battalion gave me a clearer notion of the phalanx and the legion; and the *captain of the Hampshire grenadiers* (the reader may smile) has not been useless to the historian of the Roman empire." Gibbon's Life, 4to. p. 97.

The first of his works with which we are acquainted is "An essay on the harmony of language, intended principally to illustrate that of the English language," which appeared anonymously about the year 1774.

In 1791, while the public mind was agitated with a grand national question, relative to the means of supplying the country with bread, he published "Considerations on the opinion stated by the lords of the committee of corn, in a representation to the king upon the corn laws, that Great Britain is unable to produce corn sufficient for its own consumption," &c. On this occasion Mr. Mitford sided with those who were of opinion that it was not only possible, but easy, for our own island to supply a sufficient quantity of wheat for the use of its inhabitants; but the experience of the present day unhappily does not tend to confirm this position.

Anterior to this his mind had been occupied with a great subject. It was no less than a description of the laws, manners, customs, and occurrences, of the most celebrated spot, both in respect to letters and arms, that has ever existed on the face of the habitable globe. Uniting, like his countryman Raleigh, the distinct, and apparently opposite, characters of soldier, statesman, and philosopher, in his own person, he throws a lustre on every subject, which enlightens without dazzling the mind of his reader; and we will venture to affirm, that had he only taken half the pains to polish his language that he bestowed

on collecting his facts, England would at length have found an historian in whom the distinct merits of Thucydides and Xenophon would have been combined.

In the year 1784 appeared the first volume of the "History of Greece," in 4to, which immediately engaged the attention of the public, and has acquired the applause of the ablest and soundest critics.*

The author expresses himself thus, in the advertisement prefixed to the first edition:

"It may probably be expected, particularly of an unknown writer, in offering to the public at this day a history of Greece, to give some prefatory account of the design. Yet it is scarcely possible, and would at best be tedious, to apologise adequately in a preface for a work whose subject is so extensive and so complicated, and whose materials are, at the same time, so various and defective.

"The assertion is a little hazardous, that a history of Greece remains yet among the *desiderata* of literature. But the very length of time through which the want has continued, while Gre-

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* Dr. Burgess, the present bishop of St. David's, in his "Considerations on the abolition of slavery and the slave-trade" (note to page 106), terms Mr. Mitford's work "a classical history of Greece."

Dr. Kippis, a critic of no contemptible talents, expresses himself as follows:

"His history is drawn from original sources, which he hath examined with the greatest attention; and he has made an admirable use of Homer in delineating the early state of Greece. His remarks, in which there is no affected parade of sentiment, appear to be the result of close thinking, and of a sound judgment." New Ann. Reg. for 1784.

cian history has more or less engaged the attention of every man of letters, may give the greater appearance of presumption to any hope of supplying it. The reality of the want indeed alone can justify the endeavour; and for the execution no apology will avail, if the work itself cannot be its own advocate. With these considerations, desirous of avoiding equally negligence and tediousness, without further preface, but not without anxious expectation of the public judgment, the author submits the following history to the world."

The first edition of the first volume having met with a favourable reception from the public, a second was soon prepared with considerable additions and many emendations,* which the author was careful to have printed separate, for the benefit of former purchasers. In the advertisement prefixed to it he developes the plan of the work in the following manner:

"But it may be now due from the author to declare what is the extent of his plan, and what his prospect of its completion. It has always been in his contemplation to trace Grecian history through all revolutions, till both the country and its people became moulded into the Roman empire; following Alexander through his conquests in the East, taking a summary view only of the extensive regions which those conquests gave, but under despotic rule, to be a general home for the Greeks, and reverting to the more particular consideration of Greece itself during the Achaian league.

"This plan, however, he must mention as what it is his wish to execute, not as of what he can with any certainty foresee the completion. A second volume, now in the press, and intended for publication early in the ensuing winter, will carry the history no farther than to the conclusion of the Peloponnesian war. Whe-

* In 1789.

ther the remainder may be comprised in two volumes, or will require three, is more than he can at present undertake to say; and he should too much risk deceiving the public if he attempted to name a time when those volumes may be published. He will therefore only further declare, that his inclination to prosecute the work will not cease; and that a continuance of such public favour as he has already to acknowledge will invite him to employ all the diligence upon it that health, and duties of superior claims, will allow."

Mr. Mitford observes, that the provinces bordering on the river Euphrates, supposed by many to have been the first settled after the Flood, were certainly among the first that became populous. "There," says he, "from the climate, the wants of man are comparatively few; and those plentifully supplied by a soil of exuberant fertility, level to a vast extent, naturally unincumbered with wood, and consequently little exposed to depredations from beasts of prey. The families remaining in this country were not likely soon to lose the civility, the arts, and the science of their forefathers. Accordingly, whether they retained, or whether they invented, astronomy and dialling existed among the Babylonians at a period beyond all the means of investigating their rise; and notwithstanding the deep obscurity in which the origin of letters is involved, we still can trace every known alphabet to the neighbourhood at least of Babylon."

He considers Egypt as "a singular country, given, by its situation among deserts, to enjoy more than insular security. Its periodical floods, which, to the unexperienced, might appear the ministers

of desolation, would be known to those who had seen the Euphrates or Tigris periodically overflow their banks, to be among the most precious boons of nature. For, from the operations of the waters of the Nile, almost the whole of that country properly called Egypt receives a kind of tillage, as well as a very rich manuring; so that (besides producing spontaneously a profusion of herbs and roots nearly peculiar to itself, which form a coarse, but wholesome, food) it is, moreover, very advantageously prepared by the hand of nature, almost alone, for the reception of any grain that man may throw into it.

"Thus invited, therefore, the occupants of Egypt gave their attention to agriculture; and as the fertility of the soil made the returns prodigiously great, populousness quickly followed abundance; polity became necessary; and we are told that in this country was constituted the first regular government: by which seems to be meant the first government in which various rights and various functions were regularly assigned to different ranks of men.

"Science appears to have originated in Asia. Of the arts, especially those more immediately affecting the well-being of numerous societies, Egypt was probably the mother of many, as she was certainly the nurse of most. Geometry is said to have been the offspring of the peculiar necessity of the country; for the annual overflowings of the Nile obliterating ordinary landmarks, that science alone could ascertain the boundaries of property."

After this prefatory observation the author proceeds to state, that Greece was the first country in Europe that emerged from the savage state, in consequence of its readier means of communication with the civilised nations of the East. This spot of

earth, called by the ancient inhabitants HELLAS, and scarcely half so large as England, was very early known to the Egyptian and Phenician navigators; and its illustrious career, in the race of nations, is here ably and faithfully described. The original progress of the states of Athens, Sparta, Thebes, and Corinth, pass before him; and the characters of Lycurgus, Solon, Plato, Minos, and Alcibiades, are depicted with strength and energy rather than with elegance.

The first volume ends with the battles of Salamis, and the return of Xerxes into Asia. The second volume, published in 1790, commences with a view of the western countries politically connected with the Greeks, as well as the Grecian settlements in Sicily and Italy, and ends with the conclusion of the Peloponnesian war. Vol. III. published in 1797, contains the history of Athens from the establishment of the thirty tyrants; an account of Lacedemon from the epoch of the Athenian democracy, and the affairs of Greece until the dissolution of the ancient system of a general confederacy, in consequence of the events arising out of the battle of Mantinea.

Before we take our leave of this subject, it may not be deemed unnecessary, in this place, to insert a quotation from the History of Greece, concerning the British constitution, and the late revolution in France.

"Plutarch relates of Alcibiades, that when on his recal from Sicily he avoided returning to Athens, being asked, 'If he could not trust his country?' he replied, 'Yes, for every thing else;

but in a trial for life not my mother, lest by mistake she should put a black ball for a white one.' Whatever authority there may have been for this anecdote, it contains a very just reproof of the Athenian mode of giving judgment on life and death by a secret ballot; which, without preventing corruption, excludes responsibility, and covers shame.

"But while, under the security of our own admirable constitution, we wonder at the defective policy of a people whom we find so many causes to admire, it is not a little advantageous for the writer of the Grecian history that circumstances have been occurring, in a nation calling itself the most polished of the most polished age of the world, which render all the atrocious, and before scarcely credible, violences of faction amongst the Greeks not only probable, but almost make them appear moderate. At the same time it may not be digressing improperly to remark, that, as what is common amongst other nations, there occurs also in Grecian history what may enable us to form a juster estimate of the French character than a view of the late enormities, compared only with what has at any time passed in our own country, might lead us to conceive; and if the inability of wise and worthy men, such as undoubtedly must exist in France, to hold their just influence among the people, and prevent these disgraceful proceedings, appears itself a disgrace both to themselves, and to the nation, Grecian history, and the extant writings of the ablest Grecian politicians, will perhaps furnish their fairest apology.

"For so many men of the brightest talents and highest acquirements, as in Greece turned their thoughts, with the closest attention, to a subject so universally and deeply interesting, not one seems to have been able even to imagine a form of government which might, in a great nation, reconcile the jarring pretensions arising from that variety of rank among men, without which even small societies cannot subsist. Our own writers, through mere familiarity with the object, as foreigners from unacquaintance with it, have very much overlooked what, in importance, is perhaps not inferior to any one circumstance in the singular constitution of our government. It is not till since the troubles in France began that a refugee, who has been in situations enabling

him to see, and compelling him to observe, has discovered what, but for those troubles, would perhaps never have occurred to his notice; that 'no where else in the world such harmony subsists between the several ranks of citizens as in England.'*

"This harmony is indeed the foundation, the firm foundation, on which the proud superstructure of the British constitution rests. Ranks vary as much, or perhaps more than elsewhere. But no one rank has that gigantic pre-eminence which can enable it to trample upon its next inferior. In the scale of subordination the distance from top to bottom is great; but the gradation is scarcely perceptible, and the connection intimate. Each rank is interested in the support of its next superior: for none are excluded from the hope of rising; and of all the various ranks the highest is the most interested in the support of all. We cannot consider without wonder that an order of things, apparently the most natural, never subsisted in any country but our own.

"It has not always, perhaps, been duly recollected by speculative politicians, that among the ancient republics no such order of citizens existed as that which in Paris lately assumed despotic power: and while the representatives of the nation were deliberating on the rights of man, trampled under foot all rights. The functions of that order of citizens were in Athens performed by slaves; and without keeping this circumstance constantly in mind, we cannot but be liable to the grossest error in applying the rules of ancient policy to modern times. Those writers who would infer, that formerly the lower ranks of people in England were not free, because the lowest rank were actually slaves, attempt a fallacy upon their readers. In treating of Athens, Lacedæmon, or Rome, they would have distinguished, as they ought to do, slaves from citizens. It is unquestionable, that from the Anglo-Saxon conquest downward the constitution of this country has been always free; and though in unsettled times, and especially under the first Norman kings, law might be overborne by the violence of accidental power, yet both the law, and the established mode of ad-

* Lettre au Roi, par M. de Calonne.

ministering the law, never were otherwise than highly, and even singularly, favourable to the freedom and property of even the lowest citizens.*

"Nor is it, I apprehend, as some political writers have asserted, of no importance to trace the freedom of the constitution of this country beyond the civil wars of the last century. For the purpose indeed of establishing the right of the British people to freedom it is utterly unnecessary: but towards a clear comprehension of the constitution itself; toward a certain knowledge of the broad and deep foundation on which it rests; toward a ready and just perceptive of the manner in which it may be affected through the various changes to which all human things are liable, and some which we have already seen, extension of dominion, influx of riches, increase of population, increase of revenue, immoderate debt, and the possible reduction of that debt; toward this, an acquaintance with the history of our constitution, from the earliest times, is of great importance.

"If then it is to ourselves important to know the history of our constitution from the earliest times, it will also be not a little important to other nations, if any such there are, who would form a constitution on the model of ours, or who would improve the constitution they possess after our example. Nor will it be less important to those who, without any good foundation to build on, and without any valuable experience within their own country, propose to raise with the airy materials of theory, a constitution more perfect than the most perfect that has yet existed upon earth.

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* "It seems to deserve a notice, which I think it has not yet met with, that the monarchs to whom our constitution is most indebted (Alfred, Henry II. and Edward I.) were conquerors. It is certainly a most unworthy slander upon these uncommon great men, as well as upon the parliaments from Edward I. till the time when Fortescue wrote under Henry VI. to assert, as often has been done, that England had no valuable constitution, and no true freedom, till the opposition to the Stuarts, or till the expulsion to the Stuarts procured them."

"For want of attention to the breadth and antique firmness of the basis on which our envied and truly enviable government rests, the singular manner in which the materials of the superstructure are adapted to each other, and how they are held together by their natural fitness to coalesce, the complexion of Europe seems to threaten many new and memorable lessons in politics; lessons for every order that can exist in a state separately, and lessons for nations united. Happy then those who, gathering wisdom from the sufferings and dangers of others, can avoid the miseries which many will probably feel.*

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* "As M. De Calonne's letter, above referred to, though printed, was never published, it may not be superfluous to give here, in its original language, the passage where the observation noticed occurs.

'J'ignorois, lorsque j'ai commencé cette lettre, à quel point la division éclatoit déjà entre la noblesse et le tiers état, dans les différentes provinces de votre royaume: depuis que je l'ai appris, j'en fremis. Vu la situation où les choses ont été amenée, il n'y a pas lieu d'esperer que la concorde puisse se rétablir d'elle-même, et sans qu'on ait extirpé les germes de dissention qu'on n'a que trop fomentés. Il faut donc y pourvoir par quelque moyen nouveau, puissant, et efficace. Celui que je propose est éprouvé. C'est par lui qu'il existe en Angleterre, entre les grands et le peuple, plus d'accord qu'il n'y a eu, je pense, dans aucune autre nation; nulle part ailleurs l'esprit public n'est aussi marqué; nulle part l'intérêt n'a plus d'empire pour réunir tous les états.

'Or, il est constant que rien n'y contribue d'avantage que l'institution d'une chambre haute et d'une chambre basse dans le parlement, ainsi que leur composition respective, les distinctions qui les separent, et les rapports qui les unissent. Plus on étudie cet ensemble, plus on trouve à l'admirer: les lords qui forment la chambre haute, et qui tous sont titrés (ce sont les seuls qui soient en Angleterre), partagent dans une même association, sans préjudice néanmoins à leurs qualifications distinctives, l'honneur de la pairie; et c'est, sans contredit, le premier corps de l'état. Leur

" In digressing thus far, I trust I have not overstepped the limits within which the writer of the Grecian history possesses

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prérogative n'est jamais contestée ni enviée par les communes, qui ont parmi leurs membres les fils cadets, les frères, les parens de ces mêmes lords, et des plus grandes maisons du royaume. C'est ce mélange, cette transfusion, si je le puis dire, de la plus haute noblesse dans le corps représentatif du peuple, qui entretient l'harmonie entre l'un et l'autre, et qui resserre le nœud de leur union; c'est ce qui fait que les deux chambres fraternisent sans se confondre, qu'elles se contrebalancent sans se rivaliser, que l'une empêche l'autre d'empiéter, et que toutes deux concourent également au maintien de la prérogative royale, et à la conservation des droits nationaux.—Lettre adressée au roi, par M. De Calonne, le 9 Fevrier, 1789, p. 67, 68.'

" The very great advantage, to a free constitution, of having an hereditary first magistrate, the depositary of the supreme executive power, so distinguished by superior rank as to exclude all idea of competition, has been very well explained by M. De Lolme; but the benefit of that singular amalgamation of various rank among the people, which prevails in England, has, I think, no where been duly noticed.

" In no court of Europe, I believe, is rank so exactly regulated among the higher orders as in England, and yet there is no rank perfectly insulated; all are in some way implicated with those about them.

" To begin even with the heir-apparent: as a subject, he communicates in rank with all other subjects. The king's younger sons rank next to the elder, but their rank is liable to reduction: their elder brother's younger sons will rank before them.

" The archbishops, and the chancellor, and great officers of state, rank above dukes not of royal blood, but their rank is that of office only: the dukes, in family rank, are commonly much above the archbishops and chancellor.

" Thus far our rule, I believe, differs little from that of other European courts: what follows is peculiar to ourselves. The

not an exclusive, but a common, right. A Grecian history, and indeed any history, perfectly written (these volumes pretend to no such merit), but especially a Grecian history perfectly written, should be a political institute for all nations."*

Having thus noticed Mr. Mitford as a man of letters, we shall now consider him in the light of a statesman. He first became a member of the legislature in 1796, having been returned for the borough of Beeralston, in the parliament convoked at that period. He does not appear to have spoken in the house until 1798, when he delivered his opi-

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peers, all equal in legal, differ in ceremonial, rank. The sons of peers of the higher orders rank above the peers themselves of the lower orders; but superior thus in ceremonial rank, they are in legal rank inferior. For the sons of all peers, even of the blood-royal, being commoners, while in ceremonial rank they may be above many of the peers, in legal rank they are only peers with the commoners. This implication of the peerage with the body of the people is the advantageous circumstance which has particularly struck M. De Calonne.

"But there is another thing which, perhaps, not less strongly marks the wise moderation of our ancestors, to whom we owe the present order of things. No distinction between subjects can be really more essential than the being, or not being, members of the legislative body; yet the rank of a member of parliament is known neither to the law, nor to the ceremonial of the country. Among untitled commoners, indeed, there is no distinction of rank that can be very exactly defined; and yet a distinction always subsists in public opinion, decided partly, and perhaps sometimes too much, by wealth; partly by consideration given to birth, connections, or character, which, upon the whole, perhaps more than any other government, preserves the subordination necessary to the well-being of large societies."

* Chap. xx. sect. iii. vol. II. p. 670-675.

nion on a proposition brought forward by Mr. secretary Dundas, now lord Melville, for increasing the number of field-officers in the militia, &c.

On this occasion the colonel of the South Hants was as desirous as any one could be of augmenting the militia-force of the country, but he thought that the militia should be governed by the *militia laws*; or if they were to be amended, the amendment should be made in the same spirit as the old militia-law, instead of being governed by those that governed the army. He insisted, at the same time, that, in uniformity to these principles, any additional power that might be wanted for the appointment of officers ought to be given to the lords-lieutenants of counties.

He then entered into a brief history of the original establishment of the militia, and remarked on the constitutional jealousy with which the militia-laws were originally framed. The colonel lamented, at the same time, that in many respects the principles of these laws had been departed from in the enactment of subsequent statutes upon that subject, and that they were still further departed from in the present bill.

He then concluded with giving it as his opinion, that the qualifications of the superior officers should be greater than what was proposed by the present bill: this opinion, however, was not uttered from distrust in any part of our military force, or from any want of confidence in his majesty's ministers.

The subject of our military establishment also

excited the attention of the colonel in June 1804, at which period Mr. Pitt brought in his "additional force bill;" when he "condemned the measure as unconstitutional, by proposing to weaken the militia establishment, the safest and most approved part of our national defence." He also "severely reprobated the idea of increasing our standing armies to a degree inconsistent with public liberty. He referred to instances of the dangerous effects of the augmentation of a military standing force in a free state; and particularly alluded to the case of France, where thirty millions of people, animated by the most enthusiastic love of liberty, had been gradually overawed by three hundred thousand soldiers into a state of the most abject slavery that the world ever witnessed. He concluded by strongly recommending a salutary jealousy relative to a standing army in this country; and as he acted on these principles, he should oppose the further progress of the measure."

On June 15, when the "report" on this bill was brought up, colonel Mitford referred to his former speech; and, after making some animated observations on the clause relative to the appointment of "inspectors" to assist at the meetings of the lieutenants of counties, he proceeded as follows:

"To maintain the force intended to be procured, it will be necessary to appoint agents of government, with salaries, to go into every subdivision in England, with the authority, and to execute the duties hitherto intrusted only to those who possessed a landed qualification, and performed the office without fee or re-

ward. Exclusively of all consideration of the extension of patronage, this cannot but be alarming as a dangerous novelty in the constitution, and tending to produce an essential and most disadvantageous change in its character. The next matter occurring is the ballot, directed still to proceed for completing the original numbers of the militia. The mischief produced by the ballot in time of war, in creating a necessity for immoderately high bounties to induce men to enlist in the regular forces is great and obvious; but the circumstances which have greatly enhanced that mischief, have perhaps escaped the notice of many, and indeed had place before the memory of many.

"The militia was originally raised in the middle of a war, that called the seven years war; of course the bounties for substitutes were high, and in consequence the bounties for enlisting in the army could not but rise proportionably. All men were then enrolled in the militia for three years only; so that in the seven years war, but still more in the American war, whole regiments were necessarily disbanded to be immediately raised again. The inconvenience of this was so great, that parliament was induced, in revising and reducing into one the many militia acts in force in the year 1786, to enact that in future all militiamen should be enrolled for five years, and that the service of substitutes should hold through any war happening within those five years.

"But an extravagance of public economy was then a kind of epidemic passion; and it was unfortunately resolved, for the sake of a very small saving of public money, that only two-thirds of the militia should be called out for annual exercise in time of peace. I ventured at the time to foretell and admonish that the result would be very adverse to economy; for even among the officers of the militia there would be some indifference about men who were to give their officers trouble, by a muster required, without doing them any credit, as they would appear like rabble; and the deputy-lieutenants and justices would certainly be slack in pressing upon their neighbourhoods for the numbers to like mustered only, and not trained to arms. It happened precisely so; and one curious circumstance occurred to myself: in answer to a remonstrance sent to a division on the deficiency of its quota, I

received a letter from the division-clerk, stating positively, that the deputy-lieutenants and magistrates deemed it unnecessary to obey the act in burdening the county with the ballot for men not to be trained to arms. The result was, that when the militia was embodied in December 1792, in apprehension of a war with France, the country was to be called upon for several thousand men to be instantly raised by ballot to complete its numbers. The recruiting for the army was then, in the very outset of that war, put to very great disadvantage. But this is an evil not necessarily inherent in the militia, but arising from mismanagement.

"I concur in the opinion which I find general, that the ballot is a mode of raising men congenial to the militia institution, but, I think, not essential to it; and I should have no hesitation in proposing that from the moment of war beginning all ballot for the militia should cease, and the numbers should be completed only by enlisting volunteers, for which government should allow a sum equal to one-half the sum allowed for enlisting for general service. I shall speak certainly with less confidence on another subject, on which, however, I will venture to state my opinion, that even now, enormous as bounties have been, were all balloting at once stopped, and declaration on due authority made, that a bounty named should not in future be exceeded, that bounty might be very moderate, much below what has been mentioned as intended, and men would be gained as quickly as by a higher bounty; and perhaps more quickly by ordinary recruiting, under those circumstances, than in any other way.

"He then proceeded to make some observations on the unjustly unequal operation of the clause restricting parishes to a circuit of twenty miles for raising men, the difference of a neighbourhood of a populous manufacturing town, and a situation far from town, where half the circle or more might be sea, and on the arbitrary power given to the inspector to discharge men, and fine the parishes. After all these objections to particular points, the great objection remains in what is stated in the preamble of the bill as its great object, namely, the expediency that a permanent force should be raised and maintained under regular officers, which implies a direct contradiction of the maxim established by

our ancestors and repeated in annual declarations for more than a century in the mutiny bills, that 'to maintain a standing army in time of peace is against law.'

"Though the rigour of this maxim, literally taken, may appear beyond that of the bill of rights, and beyond reason, yet, in just construction, it will, I think, be found not so, the mutiny-act itself being framed for the purpose of suspending, on the ground of political necessity, the operation of that maxim to a limited degree for a limited time, as in cases of necessity an act is passed for suspending that right of the subject, which is not created, but protected, by the habeas corpus act. But this bill goes to overthrow that salutary maxim by which our ancestors expressed their just jealousy of standing armies. It has, however, been said, that all have concurred in allowing an addition to the disposable force of the country in the present moment, and probably for future times, highly desirable. I do not think myself competent to discuss that question; but I may be allowed to doubt of the expediency of increasing it to the extent proposed, more especially as we have heard it declared by the late administration, that the highest military authorities considered it unnecessary.

"And here I cannot avoid noticing what appears to me a portentous political phenomenon. Formerly to put forward an increase of the standing army, often the necessary office of ministers, was always watched by opposition, in concurrence with that formerly existing most respectable body in the house, the country gentlemen, with careful jealousy. Lately, on the contrary, we have seen three discordant parties in opposition, uniting only in vehement cry for the increase of the standing army; an increase not only beyond all former example, but far beyond what the ministers of the crown were advised as requisite. Does this indicate an approach to that which, in the prophecy of the sage Montesquieu, is to bring ruin on the British constitution, when the legislature is become more corrupt than the executive branch of government? or may we flatter ourselves that, with the change of ministry, that awful crisis is passed? It has been said that all have concurred in admitting the great superiority of regularly-bred officers over militia officers. This may be in some respects

also a delicate subject: not at all, however, in regard to the British army in general; because the British army stands too high in reputation and in glory to shrink from any comparison: it can neither want flattery, nor fear reproach. It may therefore be allowed, and may not be useless, to consider a little how far a British gentleman, not making arms his profession, may, as a militia officer, emulate, and how nearly he may imitate, the conduct which has produced the reputation and glory of the British army.

"There are those yet who may remember that when the militia was first raised, in the ministry of the late lord Chatham, the very idea that country-gentlemen could form regiments was extensively ridiculed. The father of a right honourable gentleman, who has lately spoken most frequently and vehemently against the militia, was among the foremost of those who very soon shewed, by the evidence of clear and obvious fact, the mistake of any reasoning, if any there was, on which such ridicule was founded. Nevertheless, that militia officers, who have never seen service against an enemy, can be put in any comparison with those numerous officers of the army of every rank, who, in a war which has lasted with little intermission above thirteen years, have seen various service in various parts of the world, nobody can be absurd enough to assert. But do regular officers never rise to high rank before they have seen any service at all? A general officer would indeed hardly select such for a critical command. But was his proper duty in command ever denied to an officer in such circumstances? And has it often happened that officers in such circumstances have disgraced themselves by their deficiency?

"I am not disposed to speak or to think seriously of the disgrace proposed to militia officers, when it has been said to them, 'You have formed very pretty regiments, it must be allowed; and they have done very well, under your command, the various duties of camps, garrisons, and prison-guards, which have been put upon them; but you cannot reckon yourselves fit to command them against such an enemy as the French. Indeed, you had much better give up your places to us regular officers; some of us have seen service upon an extensive, some upon a narrow, scale, and some no service at all; but we are all regular officers,

and must be all very superior to you. Really you had better leave the business to us, and go home to your horses and hounds, and your farms, and your families; and if the French come, you may run away with the women and children.' The right honourable gentleman who has spoken most, and perhaps with most effect, against the militia, has not ventured yet to concur in such a proposal. But if we consider a little we shall find that some of the services in which the British army has been most honourably distinguished, would not furnish that fund of experience which would give the regular officer any great advantage over the militia officer in the field in such a country as England. For example, the defence of Gibraltar, in the American war, is one of those instances which will transmit British skill, as well as valour and perseverance in arms, with most advantage to latest posterity. But what was there in all the exertions of the siege of Gibraltar that would assist, in almost any degree, to teach the officers so long shut up there when to advance and when to retreat (matters in which we have been told militia officers would be so deficient), in any kind of field, whether such as the open plain of Salisbury, or the fastnesses of the wild of Sussex, or any thing in the medium between them which the varieties in the face of England afford, allowing them all the advantages of the officers of the army in their utmost extent?

"I cannot admit, and I am confident the liberality of the army officers in general will not impute, that utter inability, or excessive deficiency, to militia officers, which one or two gentlemen have endeavoured to procure them credit for. But in speaking on this subject one may incur some risk of being misunderstood, for want of more general precision in the use of the term militia. Some gentlemen would sometimes have the essence of the militia to consist in a ballot, that is, a forced service: men freely offering their services cannot, according to them, form a militia. At other times the same gentlemen would have limitation of service constitute the distinctive quality of a militia; and thus they call the army of reserve a militia. In short, any defect or inconvenience will, with some gentlemen, serve to characterise the militia. But I think those to whom we owe the establishment of the militia had

quite another idea of it. They considered the danger to the constitution from a regular force, raised, modelled, officered, regulated, paid, and every way commanded, immediately by the crown; and therefore they devised and procured the establishment of another force, to be raised, modelled, officered, paid, and, as far as military use will allow, regulated, and commanded, under precise provisions of the legislature; and they required, as a farther security, that the superior officers should be men connected by a strong interest with the country through their landed property. Subjected thus to the legislature, and amalgamated with the constitution, the proper distinction of the militia is to be a constitutional force. The standing, or regular, army, very superior in military efficacy, is objectionable only as it cannot be amalgamated with the constitution. While kept to a moderate size it may be safe, through the right reserved by the legislature of refusing to renew its legal existence at the end of every year. But if ever the regular army becomes preponderant, that right will be of as little avail as it was formerly in Rome against Cæsar, and in England against Cromwell; or as we have seen it in France against Buonaparte. The force proposed to be raised by the bill before the house, resembles the militia certainly in one principal defect, the limitation of service, but in no one virtue: it teems with full as much danger to the constitution as a regular force the most valuable and most extensively efficacious."

It is almost needless to observe, that the objections to this bill appear to have been well founded, and that the public were soon convinced of the justice and propriety of the remarks detailed above. Since that period other great and important changes have taken place in the militia system, all of which have militated against the principles on which it was originally founded. To the credit of colonel Mitford, at all times, and under all administrations, he has been the constant advocate of that constitutional establishment, originally calculated to enable

the body of the people to defend themselves, onone hand, without the interposition of German mercenaries, as was the case anterior to the adoption of this salutary measure; and, on the other, to serve as a counterpoise to the standing army of the crown, which has always been viewed with a salutary jealousy, as the sole instrument by which the liberties of the country could ever be overturned. On a still more recent occasion we accordingly find the subject of this memoir advocating the cause of the militia, and opposing with temper, but at the same time with firmness, some of those odious innovations, calculated to disgust a most useful, and a most respectable, body of men.

On the death of his father, in 1761, colonel Mitford succeeded to the family estate in Hampshire; and in 1766 he married miss Molloy, a lady from Dublin, by whom he has had several children; one of which, after attaining the rank of a captain in the navy, perished in the service of his country.

He resides during part of the year at a charming house in the New Forest, which he has just rebuilt. It is situated in the neighbourhood of, and between, Lymington and Southampton, on the shore of the West Channel, or Solent Sea, nearly opposite Yarmouth, in the Isle of Wight. The beauties of this place have been recorded both by the pen and pencil of the picturesque Gilpin; and we rejoice, for our own part, to confess our satisfaction at beholding a man of letters sunning himself in the evening of life in a pleasant southern aspect:

"Which woods embosom, and which hills defend."

W econtemplated the scene with delight; and rejoiced to behold the historian of Greece enjoying a retreat worthy of one of her heroes.

LORD BARHAM,

ADMIRAL OF THE RED, &c.

"FORTIS IN ARDUIS."

THE nobleman, who is the subject of this brief memoir, has acted both in the military and civil service of the navy. The former of these requires skill, bravery, and long practice. The latter, from the multiplicity of its details, demands the unremitted pursuit, as well as undivided attention, of a whole life.

The immense establishments of the three great dock-yards of Chatham, Portsmouth, and Plymouth, with the two subsidiary ones of Deptford and Sheerness, fill the mind with wonder and surprise; and when the manner in which such a complex machinery is regulated becomes the subject of enquiry, our astonishment increases, rather than diminishes. In time of peace it requires no common degree of labour to arrange the business of so many departments; to prevent confusion, to detect abuse, to encourage talents, and to reward merit: but during war, the labour, ingenuity, and perseverance employed, appear, at first sight, to be too much for man to accomplish.

The details of the impress service alone are immense. The business of the ships of the line in *ordinary*, and consisting at present of twenty-five in point of number, with seven receiving ships, from eighteen to twenty on repair, and from twenty-eight to thirty, all of the line, building, exhibits but a fraction in this immense sum of labour. Twenty-five sail in port and fitting; about thirty-two in the English Channel, Irish, and North seas; twelve on the coasts of Spain, Portugal, and Gibraltar; six in the West Indies, eleven in the East Indies and at the Cape of Good Hope; with twenty in pursuit of the enemy and cruising, &c. Such is nearly the distribution at this moment* of the British naval force, consisting of one hundred and thirty-two sail of the line in commission, and seventy-nine in ordinary. In addition to this formidable armament there are about thirty-three fifties and forty-fours, two hundred and thirty-four frigates, two hundred and sixty-two sloops, &c. making a grand total that must astonish any one who has not paid particular attention to public affairs, and become conversant with the power of a great and a free country, like Britain, now enabled to crowd, if not to cover, the narrow seas, and command the ocean by means of her fleets.

Lord Barham is a native of Scotland. His father, R. Middleton, esq. resided for a considerable time in

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* September 1806.

Dundee, of which port he was collector. Having married miss Dundas, of Leathin, in the county of Stirling, he had two sons by that lady; George, who resided for many years at Moss Hall, and is since dead; and Charles, of whom we are now about to treat.

This, who is the elder brother, was born at Dundee, about the year 1736, and received his education in that town, which, like most of the *royal boroughs* of Scotland, has been long in possession of excellent schools.

Mr. Charles Middleton, being destined for the navy, while yet a lad was sent to sea as a midshipman; and on the 22d of May, 1758, attained the rank of post-captain in the royal navy. We shall not here enter into the particulars of his professional career, but content ourselves with observing, that he distinguished himself greatly by his spirit, vigilance, and activity, in the West Indies. Having, while on that station, been appointed to the command of the Blandford, of twenty guns, he took and destroyed so many French privateers, that the assembly of Barbadoes, grateful for the protection thus afforded to the commerce of the island, presented him with a gold-hilted sword.

Captain Middleton having married miss Gambier, by whom he had issue an only daughter, never went to sea, we believe, after his return, or if he did, it was but during a short period; for having on several occasions displayed talents for business, he was soon employed in offices that required no

common degree of activity, investigation, and research.

In 1778 he became comptroller of the navy; a situation which had before been occupied by many distinguished seamen: such as sir Richard Haddock, sir Charles Wager, sir Digby Dent, and sir Hugh Palliser.* At the end of three years his services were at once acknowledged and remunerated by a patent of baronetage, with remainder to his son-in-law, Gerard Noel Edwards (now Gerard Noel Noel, esq.), of Ketten, in Rutlandshire, and his heirs male by Diana, his wife.

In 1781 sir Charles was elected a member of the Trinity-house†; and on the 14th of September, 1787, he received his flag, as rear-admiral of the blue. This must have been considered as a very

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* "Comptroller of the navy. His business is to comptrol all payments of wages; to know the market rates of all stores for shipping; to examine and audit all the accounts of the treasurer, victuallers, pursers, and storekeepers.

"The business of this office is divided into three branches, viz. home expenditure, foreign expenditure, and seamen's wages. At each of these presides a chief clerk, under whom are many inferior clerks for the dispatch of business." Beatson's Pol. Ind. p. 346.

† We find the names of the earl of Sandwich, the duke of Marlborough, sir George Pigot, lord North, lord Mulgrave, the earl of Hillsborough, right honourable William Pitt, &c. in this list. The society of the elder brethren of the Trinity-house was founded in 1515, by sir Thomas Spret, knight, commander of the great ship Henry Grace de Dieu, and comptroller of the navy to Henry VIII.

distinguished mark of favour; for lord Howe, who was at that period first commissioner of the admiralty, had excluded several officers from similar promotion, without assigning any reason; and, if we are not mistaken, one was deprived of his flag, merely on account of an official employment in the civil service of the navy.

Since that period sir Charles Middleton, in 1793, became vice-admiral; in 1795 an admiral: he is now the tenth on the list of admirals of the red, and has only eleven flag-officers senior to himself appertaining to the fleet.

In 1794, during the naval administration of the present earl of Chatham, he became one of the lords of the admiralty, which office he, however, retained no longer than December 1795.

Anterior to this he had been appointed one of the commissioners "to enquire into the state and condition of the woods, forests, and land revenues, of the crown; and to sell or alienate fee-farms, or other unimproveable rents." He appears to have acted in this capacity from 1787 to 1793; and in the course of that period there were no less than fifteen voluminous reports, with appendixes, delivered in to government, the whole of which occupy one large folio volume.

This, at least, affords a proof of patient industry; and we have reason to believe that while comptroller of the navy he wished to institute a course of experiments, for the express purpose of ascertaining the

best construction in respect to yards, capstans, pumps, rollers, &c.*

At this period of his life sir Charles was a member of parliament; but we never recollect to have heard him speak, except in 1789, when he rose expressly to defend the character and conduct of a clergyman (the reverend Mr. R.), who had resided in his parish, and was accused by certain planters of the island of Jamaica of having conducted himself improperly while in that colony; we believe his sole *crimes* consisted of an abhorrence of slavery, and a desire to impress the minds of the unhappy negroes with the genuine doctrines of christianity.

In 1805 a new epoch occurred in the life of sir Charles Middleton. Lord Melville, with whom he had lived for many years in terms of friendship, and, we believe, of intimacy, was, about this period, accused of numerous malversations while treasurer of

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* Hints proposed by sir Charles Middleton, now lord Barham:

"1. Experiments are wanting on the proper height of masts and squareness of yards: some contend for one, and some for another; but no comparative trial has been made within my knowledge, though many have applied in favour of both the one and the other.

"2. Experiments are also wanting on the best construction of capstans for purchase and safety.

"3. On the best kind of pumps for general use, the number for each class of ships, and the best places for fixing them. *Mem.* Chain pumps are not to be relied on in time of danger.

"4. On rollers for hawse-holes."

the navy. On the 18th of March the tenth report of the naval commissioners, in which that nobleman happened to be implicated, was issued: on the 8th of April certain resolutions against the viscount were moved in the house of commons by Mr. Whitbread, and carried by the casting vote of the speaker. On the 10th he resigned his office of first lord of the admiralty: and on the 6th of May he was struck out of the list of privy-counsellors by order of his majesty.

The ministers of the crown were now obliged to look around for a successor to him, and a colleague to themselves. On this occasion they fixed their attention on sir Charles, who had formerly acted in succession as comptroller of the navy, and a commissioner of the admiralty-board; who was at that moment member of a board, established for the express purpose of ascertaining the abuses which had crept into the navy, and also an admiral of the red.

Accordingly, on the 30th of April, 1805, he was nominated first lord of the admiralty; and, at the same time, was created a baron of Great Britain, by the style and title of lord Barham, of Barham-court and Teston, in the county of Kent, by patent, dated May 1, 1805, with remainder to his daughter Diana Noel Noel, of Exton-park, in the county of Rutland, and her heirs male. His lordship was, at the same time, sworn a member of the privy-council; and at an advanced period of life commenced a most arduous undertaking, which had been recently rendered more laborious and compli-

cated by the war that had just taken place with Spain.

But his administration evinced no symptoms of debility; for during that period of our naval history the ports of the enemy were strictly watched and blockaded; and no sooner did a detachment escape by some fortunate accident to a distant quarter of the globe, than it was immediately pursued, discomfited, and dispersed.

The success of the British arms was exactly correspondent to the means adopted; and fully answered the expectations of the public. Sir Robert Calder, with fifteen sail of the line, fought the combined fleets of France and Spain, on their return from the West Indies, consisting of twenty sail of line of battle ships. This action took place off Ferrol, on the 22d of July; and the San Rafael, and the Firma, were the fruits of a victory obtained under great disadvantages.

On the 21st of August the Brest squadron, to the number of twenty-one sail of the line, came out, and anchored in Camaret-bay; but on the approach of the gallant veteran Cornwallis, with no more than seventeen, they returned into harbour.

On the ever-memorable 21st of October, 1803, lord Nelson engaged the combined fleets of France and Spain off Trafalgar; and after a dreadful battle, which continued during the space of four hours, twenty sail of the enemy were either sunk or destroyed; and the French commander in chief, and two Spanish admirals, were made prisoners. The

British force consisted of twenty-seven, and that of the enemy of thirty-three, sail of the line.

On the 4th of November commodore, now admiral, sir Richard Strachan, captured four French sail of the line, with an equal number of British ships, off Cape Ortegal; and on the 10th of January, 1806, the Cape of Good Hope surrendered to the British arms.

On a change of administration, in consequence of the death of Mr. Pitt, Mr. Grey, now viscount Howick, succeeded to the office of first lord of the admiralty; but the nine months during which the subject of this memoir presided there, must be allowed to have exhibited as many honourable instances of the superiority of the British arms as most periods of an equal duration during the last twenty years.

On the accession of the new ministry lord Barham literally retired, like Cincinnatus, to his *farm*, whence, indeed, he derives his title.* It is situated at Teston, two miles distant from Maidstone, in Kent, and constitutes part of one of the most beautiful valleys in the kingdom. The Medway, at that place a gentle sylvan stream, unclouded by the tide, meanders through the centre of it. The hop,

* His wife, formerly miss Gambier, lived for many years in the greatest intimacy with the late miss Bouverie, whose beautiful house and estate, called Barham-court, have devolved on lord Barham. He has added greatly to its extent by means of some recent purchases, particularly from the Amhersts.

here superior both in luxuriance and profit to the vine, twines its tendrils around innumerable poles, while the luxuriant corn and grass present the most vivid and delightful objects to the eye, which is bounded in its excursions by an horizon studded with hills that shelter it from the cold winds of the British Channel. The house itself is pleasantly seated in the midst of a lawn, fronting the river; and there is a list of grass land which runs along the ploughed fields, and, with the fine and lofty hedges, serves as a termination to the home farm, whilst it, at the same time, affords the means of ascertaining its extent without fatigue.

That lord Barham may long enjoy his smiling fields, and be delighted in the company of his numerous grandchildren,* is the earnest wish of the writer of this memoir.

THE EARL OF ELGIN,

KNIGHT OF THE TURKISH ORDER OF THE CRESCENT.

IT affords infinite pleasure whenever we possess a fair opportunity of praising the studies and pur-

* His daughter has been long married to Gerard Noel Noel, esq. knight of the shire for Rutland. His name was originally *Edwardes*, but he changed it, May 5, 1798, in compliance with the will of his maternal uncle, the late Henry earl of Gainsborough. Their issue consists of twelve sons and seven daughters.

suits of men of rank and fashion. When that great man, whom Pope justly designates as at once

"The priesthood's glory and its shame,"

visited England towards the latter end of the fifteenth century, and beheld the monarch* on the throne, and the chancellor† on the bench, alike proud of having distinguished themselves by their writings, he might well boast of the esteem in which he found learning and learned men in this country. But the manners of a nation, like those of an individual, change; and were it possible for Erasmus to repair here again, he might prove, perhaps, more *chary* of his praise; for few of the great, we believe, would pique themselves on their literary labours; and it is not very likely that he would *now* find the guests of a lord mayor conversing familiarly at the Mansion-house, in the language of ancient Rome.

In a country like this it is not easy, during the present age, to find out an employment worthy of our young nobles. Such is the capriciousness of national taste, that although ours is a commercial island, and James II., like many of the Italian princes, was himself a trader, yet so great is the change of manners, that this pursuit is not now deemed eligible; and the only instance we recollect even of a son of a peer embarking in traffic was far from being seductive in point of example.‡

* Henry VIII. † Sir Thomas More.

‡ This alludes to the solitary precedent of the right honourable

Until of late years agriculture was reckoned as mean an occupation in England as it formerly was in either Rome or Lacedemon; but this noble pursuit is now happily rescued from disgrace by the generous efforts of our most distinguished patrician families. With medicine the children of the nobility have not as yet meddled; and only a few younger brothers have addicted themselves to law and divinity. On the other hand, the navy and army, the latter in particular, abound with all degrees of the aristocracy, and occupy its highest honours. There is, however, a certain period when the life of a military man ceases to please, and when the mind, recoiling on itself, recurs to early habits. Happy is he, then, who has received the benefits of a liberal education; who possesses a taste for literature and the fine arts; who instead of being surrounded, and sometimes *devoured,* by dogs and gamekeepers, horsejockeys and gamblers, can take refuge from fatigue, and care, and disappointment, in a well-selected library; can enjoy learned ease within his paternal mansion, and decorating it with the works of ancient and modern artists, possesses virtue and taste, enough to relish the company of the good, the learned, and the accomplished.

The family of Bruce is of Norman extraction.

Thomas Harley, son of a former earl of Oxford, who was a wine-merchant in the city, and proved unfortunate during the latter part of his life. There are several noblemen, however, who are *bankers* at this moment.

Robert de Brus, one of the companions of William the Conqueror, acquired no less than ninety-four lordships in the county of York as his share of the spoil; among these was the barony of Skelton, which he made the place of his chief residence. One of the male branches obtained from David, king of Scots, all the land of Annandale, while a female of the same house was mother of king Robert I. A descendant of this family was created baron of Skelton, viscount Ampthill and earl of Aylesbury, in England, by Charles II. Another was created baron Bruce, of Kenlop, in 1604; earl of Elgin, in 1611; and earl of Kincardine and baron Bruce, of Torry, in 1647. Nor ought the name of the famous Scottish patriot, lord Belhaven, to be omitted in this catalogue of nobility.

Thomas Bruce, sixth earl of Elgin, and tenth earl of Kincardine, was born about the year 1769, or 1770. He was a younger brother at that period; but on the demise of William-Robert, the late earl, he succeeded to the title and estates. The present countess-dowager, who was left a widow early in life, with five children to educate and settle in the world, happily possessed a sound judgment, and an extraordinary degree of fortitude: with these useful qualities her ladyship, at the same time, united all the domestic virtues. During the life of her husband she, with great disinterestedness, relinquished her jointure for the purpose of improving his estates; and as they were situated in the county of Fife, and abounded with limestone, this was at

length effected, although, perhaps, not so suddenly as had been hoped.

Having repaired to London lady Elgin determined to devote herself to her children.

As she was resolved to give the subject of this memoir an excellent education, while Charles-Andrew, her third son, was destined to seek his fortune in the East, Westminster-school was fixed upon for that purpose. With all the fondness and zeal of a good mother she herself removed to Dean's-yard, on purpose to superintend the morals and the health of lord Elgin; and the young nobleman being thus under her own eye, the mercenary attentions of a boarding-house, and the revolting, and sometimes dangerous, discipline of *fags*, were thus happily eluded. But, on the other hand, nothing necessary for instruction was neglected. The young peer was dispatched at an early hour to school, dressed out, during bad weather, in his blue worsted stockings, and armed with clothing that might defy all the rigours of a Scandinavian winter.

When qualified for the university, the mother, instead of sending him to either Oxford or Cambridge, selected St. Andrew's,* in Scotland, for the purpose of completing his education; and there, in a small town, without the possibility of being misled by the fascinations of pleasure, or the frequency of

* The present earl of Buchan, together with his two brothers, the one lord chancellor of Great Britain, the other lord advocate of Scotland, were all educated at this university.

bad example, his studies were superintend on the shores of that noble estuary, called the Moray-frith, with perhaps as much satisfaction as on the classic banks of the Cam, or the Thames.

Meanwhile other acquirements were not omitted. To learn to fence and to dance, the aid of the best masters was called in; while the most necessary of all accomplishments, that of reading and speaking his own native language, was not forgotten: on this occasion her ladyship made use of the talents of a man* who has justly attained great celebrity, but whose state of health, we are sorry to add, precludes him from the same degree of exertion as formerly.

To qualify him for a public life, for which he had been from the first intended, his lordship was sent abroad expressly with this view. As the German language was then supposed equally indispensable for a soldier and a diplomatist,† he resided some time within the pale of the empire; and a knowledge of the continent being deemed necessary for every nobleman, he accordingly travelled there for a year or two. This mode of education did not prove unuseful in respect to his future pursuits in life; and the prudence and vigilance displayed by a fond mother, towards her son, at length attracted the notice of royalty; so that the dowager

* Mr. Walker.

† He actually studied the civil law and jus gentium while in Germany.

was afterwards selected to superintend the infancy of a princess destined one day to rule the empire.

Soon after his return from abroad the earl of Elgin procured a commission in the army; but although he obtained the rank of colonel, in 1802, yet he has been chiefly engaged in far different pursuits.

In the parliament, summoned in 1796, his lordship was returned one of the sixteen representatives for Scotland; and we find him taking part with the minister of that day, in a *maiden speech*, relative to the Russian armament, then a theme of censure against Mr. Pitt, who had been foiled in an attempt to enter into a contest with the empress, relative to the possession of Oczakow:

The earl of Elgin began by observing, that "it was with great diffidence he addressed their lordships for the first time; and the more so, from the particular situation in which he stood. Laying aside, however, every other circumstance, he would offer his sentiments without any consideration but what was connected with his parliamentary duty.

"He thought there was no necessity for the resolutions moved by the noble earl;* and was perfectly satisfied, by the papers on the table, as to the conduct, the progress, and the result, of the negociation with Russia: which papers he thought completely sufficient, without any further communication, to convince their lordships upon the question at issue. He contended for the importance of our foreign alliances, and the necessity to encourage and preserve them inviolable: a precise attention to which formed part of that laudable system which, in his opinion, his majesty's ministers had followed.

* Lord Lauderdale.

"He called the attention of their lordships towards the Austrian arms, which might have been employed against Turkey; a circumstance that it certainly was our business to prevent: and he maintained, that a junction of the powers of Russia with the house of Austria, when aided by France, against the Turks, was a circumstance which, if not checked in time, might be of very destructive consequences in the politics of Europe, and tend to overturn that balance of power which it was our undoubted interest and avowed principle to preserve.

"With regard to the objects of the armament, he contended, that they were proper, and worthy of the British court; and that the means employed to obtain them were not only justifiable, but highly necessary, and perfectly right: that they had not been attended with such complete success as ministers could have wished, he confessed; but he ascribed that, in a great measure, to both the object and the means having been misrepresented in this country: and he averred, that if the basis upon which the negociation was bottomed met with a fair and impartial investigation, it would be found such as entitled it to be called prudent, wise, and solid: if this was the case, he thought it became the house to resist the propositions of the noble lord.

"On the subject of Oczakow, the freedom of navigating the Dniester, and the possession of the country between the Bog and the Dnieper, his lordship made several observations, pointing out what he considered to be the real importance of each object to this country, and to the Turks. Reviewing the politics of Europe for a considerable time back, he concluded, that it was the uniform system of Russia to pursue an acquisition of territory and of power whenever an opportunity occurred; and that this system, if not properly kept down by our interference, was of a very pernicious tendency to the Turks, to Poland, and to the general balance of power in Europe.

"The noble earl had stated the terms which he thought were those on which the British court had insisted; and had asked why ministers had entirely deserted those terms, as well as concluded a negociation during which no one of those terms had been obtained. This was with him one great cause for giving his approbation to

ministers for their conduct and good sense; and it clearly pro[ved] that they were determined not to make a bad use of the confidence given them by parliament last session. Whatever their opinions might be, or the hopes they had entertained, of the system they had laid down, yet, when they found that, both in and out of parliament, there was much opposition to that system, they had relinquished it, in hopes that they were serving their country, although not in the way which they meant to have done.

"It had been asked, Why keep a great and expensive armament for a considerable time after this general opinion of the country was known, and ministers had determined to forego the execution of their plan? Now, when the object of that armament was seriously considered, and the situation of Europe at the time, he could not believe that any noble lord in that house, or wise man in the country, would have advised a dismemberment of that force and power which ministers had, with the approbation of parliament, thought it necessary to put the country in, until the negociation, which it was intended to aid and forward, was brought to some conclusion or other. Besides the different objects of the armament which had been mentioned, he said, there were many other considerations that rendered it prudent and necessary not to diminish our strength till we could complete our wishes: for all which reasons he opposed the resolutions, and begged leave to move the previous question."

In the spring of 1797 lord Elgin married miss Nesbit, the only daughter, and indeed only child, of Mr. Nisbet, of Dirleton, a gentleman possessed of an estate of near eighteen thousand pounds per annum. It so happens, however, by the strictness of the feudal entails, which still prevail with all their rigor in Scotland, and passing over females, descend in preference to the most remote males, that the sum of twelve or thirteen thousand pounds per annum passes away at his death from the present countess of Elgin and her children.

Soon after his marriage the earl prepared for an important foreign embassy. Our connexion with the sublime Porte had hitherto been confined to mere acts of civility. Sir Robert Ainslie had resided in the character of minister at Constantinople for a multitude of years, during which he had ample leisure to attend to objects of taste and *virtù*; and returned with some of the most splendid drawings that were ever brought to this country. In his time the Turks evinced no wish for a nearer connexion with England, or indeed any christian state; and still reposing in the antiquated maxims of Oriental policy, spurned at our intervention in their favour.

Accordingly, during the dispute with Russia relative to the possession of Oczakow, the Porte not only seem to have disclaimed our friendship, but even to have treated our proffers with disdain; and when our acknowledged agent presented a memorial to the divan, stating what was about to be effected in its favour, the most extraordinary state-paper* to be met with in the history of modern diplomacy is said to have been transmitted in return.

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* "The grand signor wars for himself, and for himself makes peace. He can trust his own slaves, servants, and subjects: he knows their faith, has experienced their virtue, and can rely upon their fidelity; a virtue long since banished your corner of Europe. If all other christians tell truth, no reliance is to be had on England; she buys and sells all mankind.

"The Ottomans have no connexion with your king, nor your country: we never sought for your advice, your interference, or

But the unprincipled invasion of Egypt, on the part of the French, suspended for a short time the

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friendship: we have no minister, no agency, no correspondence, with you. For what reason offer ye then to mediate for us with Russia? Why seek ye to serve an empire of infidels, as ye call us mussulmen? We want not your friendship, aid, or mediation. Your vizier, of whom you speak so highly, must have some project of deception in view, some oppressive scheme to amuse your nation, who we are told are credulous, servile, and adorers only of money.

"Avarice, if we are well informed, is your chief characteristic. You would buy and sell your God. Money is your deity; and all things are commerce with your ministry, with your nation. Come ye then to sell us to Russia?

"No, let us bargain for ourselves. When fate has spun out the thread of our good fortune we must yield: what has been decreed by God, and the prophet of men, must and will come to pass.

"We Ottomans know no finesse; duplicity and cunning are your christian morals. We are not ashamed to be honest, downright, plain, and faithful, in our state maxims. If we fail in war we submit to the will of heaven, decreed from the beginning.

"We have long lived in splendour the first power on earth; and we glory in having triumphed for ages over christian infidelity and depravity, mixed with all sorts of vice and hypocrisy. We adore the God of nature, and believe in Mahomet. You neither believe in the God you pretend to worship, nor in his Son, whom you call both your God and your prophet. What reliance can there be upon so sacrilegious a race? Truth you banish, as you do virtue, from all your conduct and actions with each other.

"Read the catalogue of complaints, manifestoes, declarations, and remonstrances, of all the christian kings, monarchs, and emperors, who have lived and warred with each other; you find them all equally blasphemous, equally perfidious, equally cruel, equally unjust, and faithless to their engagements. Did the Turk

prejudices of the Turk; and sir Sidney, and his brother Mr. Spencer Smith, were consequently

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ever forfeit his promise, word, or honour? Never. Did ever a christian power keep an engagement but while it suited its own avarice or ambition? No. How then do you think we are to trust you; a nation at this moment, if we are told true, ruled by a perfidious administration, without one grain of virtue to guide the machine of state?

"The grand signor has no public intercourse with your court; he wants none; he wishes for none. If you wish to remain here, either as a spy, or, as you term yourself, an embassador for your court, you may live with those of other christian nations while you demean yourself with propriety; but we want neither your aid by sea or land, nor your counsel or mediation. I have no order to thank you for your offer, because it is by the divan deemed officious; nor have I any command to thank you for the offer of your naval assistance, because it is what the Porte never dreamed of admitting into our seas.

"What you have to do with Russia we neither know nor care; our concerns with that court we mean to finish as suits ourselves, and the maxims of our laws and state policy. If you are not the most profligate christian nation, as you are charged to be, you are undoubtedly the boldest in presumption and effrontery, in offering to bring such a power as Russia to terms. Such as you, and some other trivial christians united, fancy yourselves equal to command. We know better; and therefore this effrontery of yours amounts rather to audacity, and to an imbecile dictation, which must render your councils at home mean and contemptible, and your advice abroad unworthy of wisdom, or attention from any power, much less the regard of the Porte, which, on all occasions wherein its ministers have listened to you, have experienced evil, either in your designs, or in your ignorance.

"His sublime highness cannot be too much upon his guard against the attempts and presumption of a nation so perfidious to the interests of its subjects (or colonists). But it is the usual way

treated with more than an ordinary degree of attention. On its being determined by the English cabinet to recover the possession of Egypt, and restore it to its former owners, it was at the same time resolved to send a splendid embassy to the sultan, for the purpose of soliciting his sublime highness's permission and assistance.

The earl of Elgin having been selected for this purpose, he knowing the effect of magnificence on Eastern princes, made great preparations for the occasion; and on the 2d of November, 1799, arrived at the Dardanelles, accompanied by his newly married lady, and a numerous *suite* of officers and attendants, on board a frigate commanded by captain Morris. The Phaeton immediately saluted the capitan-pacha, or high-admiral, with nineteen guns, which was returned by an equal number; after which his excellency and lady, accompanied by the

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of christian princes to sell and cede over their subjects to each other for money. Every peace made among you, as we are well informed, is made favourable to the king that bribes best. The Ottoman ministry have too long and too often given ear to European councils; and as often as they did so, they were either betrayed, sold, or deceived.

"Away then with your interference for the Porte with Russia! It has been your aim to embroil all mankind, and thereafter to profit by your perfidy. We ask not, want not, or desire your commerce, because our merchants have been sacrificed to your double-dealings. You have no religion but gain. Avarice is your only god; and the christian faith you profess, but a mask for your hypocrisy. We will hear no more from you; therefore you are commanded to make no reply."

chief persons attached to the embassy, visited the sultan Selim, on board of which the bashaw's flag was flying, and staid to partake of the novelty of a Turkish supper, during which they were treated with all the customary honours.

The officers* of the English mission, headed by the late general Koehler, now went on board the frigate to pay their respects; and on the succeeding day the Phaeton proceeded to Constantinople, where the embassador was presented first to the grand vizier, and then to the sultan. He was received by his imperial majesty, and all the officers of the Porte, with the most distinguished attention.

Soon after his arrival the earl of Elgin endeavoured to repay the favour conferred on England, in the person of lady M. W. Montague, who brought over the old method of treating the small-pox from Turkey, by the introduction of the vaccine inoculation. His lordship began by permitting the experiment to be first tried on his own child.† The disease on its production was so extremely mild, that several christian families immediately fol-

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* These consisted of general Koehler, who had been at Constantinople before, and colonel Holloway, of the royal engineers; majors Hope and Fead, of the royal artillery; major Fletcher and captain Lacy, of the royal engineers; captain Leake, of the royal artillery; captain Franklin, secretary to general Koehler; Dr. Wittman, surgeon; Mr. Chandler, commissary; Mr. Whiteman, assistant-commissary; and messrs. Read and Pink, draughtsmen.

† Lord Bruce, born in April 1800.

lowed so laudable an example. Even the Turks seemed to relax in their prejudices on this occasion; and some of them actually submitted to the introduction of the new practice into their families.

Meanwhile his lordship employed himself unceasingly to complete the object of his journey. It was in vain, however, that he endeavoured to inflame the tardy zeal of the mussulmen, in respect to the reconquest of Egypt from the common enemy. His propositions were received with a certain degree of phlegm, which is affected by the Turks on all great and trying occasions, while every thing was debated with due solemnity in the divan, and those precious moments for action let slip, which never can be recovered by the exertion of the utmost valour and activity.

The English fleet, under lord Keith, with an army on board, commanded by general sir Ralph Abercromby, had assembled at Marmorice, a spacious bay on the coast of Caramania, on the 1st of January, 1801; but in consequence of the delays of the Turks, who had promised to remount the English cavalry, assemble a squadron, and prepare a body of troops, several ships entered the port of Alexandria, with supplies of stores, men, and ammunition, for the French.

At length, however, our Mahommedan allies were put in motion, a descent was effected; and, at the conclusion of a very brilliant campaign, Cairo opened its gates to the victor.

In the mean time lord Elgin, who appears to have obtained the confidence of the divan, and to have induced the Turks to effect more, perhaps, than could have been reasonably expected from their innate apathy to exertion, was not idle. He carried on an unceasing correspondence with the commander in chief of the English army in Egypt, and he communicated all its operations to the British court. The intercepted dispatches from the French troops were also transmitted from lord Nelson to our embassador at Constantinople, who of course sent them home to the ministry; by whose permission, or rather at whose instigation, they were published, and matters of a delicate, but private, nature exposed. This was blamed by the opposition of that day, who form the administration of the present, as not being correspondent with the usual practice among civilized nations; and the enemy have since retaliated by a similar exposition of what should ever be considered private and confidential.

As it was absolutely necessary that lord Elgin should be acquainted with all the operations of the Ottoman army, he dispatched Mr. Morier, his secretary, to Egypt for that purpose. This same gentleman, after a short residence there, penetrated into Syria; and on his return, in 1801, published an account of his travels, which was afterwards suppressed from political motives. In this little work the character, conduct, and humanity, of Buonaparte were all called in question; and

such a scene opened, as if duly authenticated, would cover his name with everlasting dishonour.*

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* Mr. Morier supposes that Kleber was led to evacuate Egypt from principles of hatred to Buonaparte. "The enmity that is known to have existed between them," says he, "had arisen during their campaign in Syria. Kleber's principles of humanity emboldened him to expose Buonaparte's cruelty, by opposing the massacre of the garrison of Jaffa.

"During the siege of Acre, Buonaparte desired Kleber to give an order to a detachment of his division to storm at night; Kleber, doubtful whether the breach was practicable, sent one of his ablest officers to reconnoitre it; and being informed by his report of the impossibility of success, refused to give the order, and told Buonaparte that he might give it if he chose.

"Buonaparte did; and the whole detachment, headed by Kleber's confidential officer, perished in the attempt." Page 82.

"The necessity of recovering Egypt," says he, "became more urgent, as the difficulty to obtain that object increased with the length of time the French were masters of it. They had not only conciliated the affection of the christian natives of Egypt, but, in general, all classes of inhabitants of towns, by being protected against the inroads of the Bedouins, or the extortions of the great, were beginning to taste the sweets of a regular government; and so far were the rigid tenets against the infidels relaxed, that intermarriages had taken place: so that in process of time there would have been a nation as well as an army to conquer." Pages 73–4.

"The French," continues Mr. Morier, "have very carefully concealed every detail on their campaign in Syria; indeed it is not surprising that they should have been silent on an expedition that added so much lustre to the British arms, while its consequences proved no less fatal to their army than inglorious to their general. But there is one circumstance connected with that period of the campaign, which has just been alluded to, that could not be con-

Meanwhile the earl of Elgin obtained considerable influence at the court of Constantinople, and displayed no common degree of splendour. The first may be deduced from his distinguished reception, the pains that were taken to gratify his passion for the fine arts, and his successful intervention in

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cealed; and it must be recorded, because it tends to disclose a feature in the most conspicuous character of the present age—Buonaparte.

"After reducing El-Arish, the French advanced into Syria, took Gaza without resistance, and then proceeded to Jaffa. The garrison was summoned, but refused to surrender; the town was carried by storm, and given over to pillage and murder for twelve hours: yet the cruelties committed on this occasion were surpassed by what soon followed: four thousand five hundred of the garrison were made prisoners of war; in this number were included one thousand of those who had capitulated at El-Arish.

"They were reminded of having broken their engagements by being taken again in arms, the other three thousand five hundred were implicated with the guilty. They were all marched to some sand-hills near Jaffa, where they were drawn up in a line; an equal number of French soldiers, with their bayonets fixed, were drawn up before them: the order was given to charge, and in an instant four thousand five hundred men were murdered. To this day their skeletons, and the sands steeped with gore, attest the barbarous act.

"It is a fact, as well established in Syria, that when the siege of Acre was raised, and the French army began to march for Egypt, all their wounded and sick were poisoned by order of their general."—Memoirs of a Campaign with the Ottoman Army in Egypt, from February to July 1800. By Mr. J. P. Morier, private Secretary to his Excellency the Earl of Elgin. Note to page 67.

behalf of a Turkish rear-admiral,* whose head he had prevented from being struck off. The second may be fairly inferred from the manner in which certain festivals were observed in the hotel of the English embassador.

On the anniversary of the king's birth, 1801, a superb *fête* was given in honour of that day by his representative at the court of Constantinople, when all the members of the diplomatic body, with their families, were invited to grace the ceremony. In front of his lordship's palace at Belgrade, a booth was fitted up, and the royal standard displayed. The awning and avenues leading to the place of his residence "were fancifully decorated with branches of oak and festoons of flowers," says Dr. Wittman; "and in the centre of the table, within the tent or booth, a bank of flowers was tastefully disposed, while the top of the tent itself appeared ornamented with festoons of rose-branches.

"Precisely at three o'clock the dinner, which consisted of every delicacy the season could supply and the place afford, and to which more than one hundred persons sat down, was served. Before the dessert was placed on the table, the king's health was given; and on this signal his lordship's band played 'God save the king,' the company joining in the chorus. This was followed by three cheers, all the guests standing up; and next succeeded a salute of twenty-one maroons.

"After dinner the company withdrew to the palace, when several select pieces of music were played by the band; and in the

* Seidefli.

evening the country-dances commenced beneath the tent. At eleven o'clock a cold collation was served, and the entertainment was concluded by country-dances, which were continued within the palace until two in the morning, when the company broke up, highly gratified by the amusements of the day, which were rendered still more pleasing by the fineness and serenity of the weather. The effect of the dances beneath the tent was singularly picturesque."

After having achieved the chief object of his mission—a cordial co-operation in the expedition for reconquering Egypt, the English embassador determined to enrich his country with the choicest productions of the ancients. Fortunately, on this occasion, he possessed a well cultivated taste, and sufficient wealth, to be able to accomplish his wishes. His native country, too, had happily attained that degree of refinement when such pursuits become meritorious and commendable.*

* It is only in a certain refined state of society that collections of whatever is precious in the history of the arts are attempted to be made. In rude ages and countries manual labour and war occupy the heads and the hands of a people. The bare idea of Peter the Great travelling into other countries for the purpose of information, is the most extraordinary that ever occupied the breast of a barbarian; for *barbarous* he must be considered anterior to this period. It is not a little remarkable also, that he, and he alone, in all the extensive dominions of Russia, was perhaps capable of either conceiving the plan, or sustaining the expence of it; for the richest of his *boyars* would have been unable to obtain either money or credit for such an undertaking.

After the revival of letters, the Venetians appear to have been the first nation in modern times that conceived the project of travelling into distant countries for objects of curiosity; and it is not

The embassador, before his return to England, visited Athens; and having become desirous to obtain the celebrated Sigæan inscription, he procured

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a little remarkable, that it was not then as now, towards Europe, but Asia, that the researches of mankind were directed. Venice, like England, had become enriched by the commerce of the East; and as the greatest personages of that republic did not disdain to embark in trade, they were enabled to gratify their inclinations for foreign travel. The young nobles, too, being incapable of certain offices, until they had attained a mature age, were accustomed to spend the interval in visiting remote countries. They were partly induced to this, also, by their taste for the arts; and we accordingly find Trevisano, Bembo, Brocardi, and a multitude of others, visiting Egypt and Syria, towards the latter end of the fifteenth, and the beginning of the sixteenth, century.

Ginantonio Soderini, of a patrician family, in 1671, examined Cyprus, Palestine, Egypt, Syria, Anatolia, and Turkey in Europe, for the express purpose of collecting medals. Men of this description must have been excited by no common degree of zeal: for in addition to the dangers of the sea, at that time to the full as great, and indeed greater than at present, are to be added the constant fear of corsairs, equally cunning and desperate, who either by fraud or by force continued to render the Mediterranean tributary to them, in the same manner as the desert is to the Arabians. We accordingly learn from the Travels of Cornelius Magni, published in 1692 (Quanto di più curioso e vago ha potuto raccorre Cornelio Magni nel secondo Biennio da esso consumatu in Viaggi e dimore per la Turchia. Parma, presso Alberto Pazzoni, 1692), that Soderini had sent a collection of all the rarities which he could obtain in Egypt, on board a vessel bound from Alexandria to Venice. This vessel having been taken by a cruiser belonging to Tripoli, he endeavoured, by means of the Jews established in that city, to redeem them: but their intervention proved fruitless.

a *firman* from the Porte for this purpose;* and was thus enabled to enrich his native country by means

* "On the 7th, at eight in the morning," says Dr. Wittman, in his Travels in Asiatic Turkey, Syria, and Egypt, page 68, "I accompanied the general and officers to Koulim Kali; which we reached between ten and eleven o'clock. We there paid our respects to the bey, Adam Oglu, governor of the four fortresses, and of the district of the Dardanelles. He gave us a very civil reception, and supplied us with horses to proceed to the village of Giawr-Keny, Janizari-Cape; built on the site of the ancient Sigæum, and standing on an eminence which commands the plain of Troy.

"The purport of our journey thither was to procure a very curious bas-relief, and the celebrated Sigæan inscription for lord Elgin, who had seen them, and was desirous to transmit them to England. To accomplish this, a firman was procured from the capitan-pacha, who also furnished a chiaous to be the bearer of it. We were not long in coming at these valuable antiquities, which we found at the entrance of a small Greek chapel. The Greeks, by whom the village was exclusively inhabited, were extremely averse to their being taken away. Their reluctance, we are told, arose from a superstitious opinion, that by touching these stones agues were cured.

"We were, however, more fortunate on this occasion than the count de Choiseul Gouffier was some years before, in his attempt to remove the marble containing the Sigæan inscription. He failed, notwithstanding the firmans of Hassan-pacha, who had aided him with all his influence over the Greeks; but our chiaous, with the capitan-pacha's firman, effected his purpose.

"The block of marble on which the Sigæan inscription, so frequently mentioned by antiquarians, is cut, constituted originally the pillar of an hermetic column. The words of the inscription itself are alternately written backwards and forwards; a peculiarity which denotes it to be of the highest antiquity. On the bas-relief we found five figures very finely sculptured, but the

of a fresh acquisition. If there was great merit in the project of Themistocles to restore the *hydrophora*, which the Persians had taken from Athens, on purpose to adorn the temple of Cybelé, at Sardis, some gratitude ought also to attach to the native of Britain, who rescues the trophies of Grecian fame from the rude hands of barbarians, on purpose to adorn a country beginning to evince a generous passion for the fine arts.

It was lord Elgin who obtained permission for Don Tita, M. Balastra, M. Feodor, and other artists, not only to search and dig for the remains of ancient sculpture, but also to remove and ship them to England. Thus the spoils of the temple of Minerva, in the Acropopolis, and the marble-seat of the Prytaneum, were obtained. Four bas-reliefs belonging to a temple of Victory, and intended to celebrate the achievements of the Greeks over the Persians, were at the same time rescued from oblivion.

A vessel, carefully loaded with these precious curiosities, being unhappily overtaken by a violent storm, near the island of Cerigo, the Cytherea of the ancients, struck on a hidden rock, and sunk soon after. But even this accident was not irretrievable, for the brig was afterwards weighed,

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heads of which, with one inscription only, were unfortunately broken off. As this curious remnant of antiquity, as well as the Sigæan inscription, has been since conveyed to England, any further details relative to it would be superfluous."—Wittman's Travels, p. 66, 67.

and by means of great perseverance, and a very considerable expence, all the chests with the sculptures have been saved. The famous swimmers of Calimmo are said to have proved very serviceable on this occasion.

His lordship now prepared to return, and in his way to England visited Rome, bringing along with him a number of fine drawings, executed by the first artists on the spot, together with a valuable collection of engraved gems and rare medals, one of the former of which, obtained at Constantinople, representing a female centaur suckling her young, is said to possess an extraordinary degree of beauty and merit.

On their journey home lord Elgin and his family, confiding implicitly in the late peace, prepared to cross the Alps, and re-enter England after passing through France. A new war, however, suddenly broke out, and they were made prisoners. It was on this occasion that they were doomed to experience the hatred of a man whom one would think too great to indulge personal and private animosities.

Under the pretence, it has been said, that general Boyer had been imprisoned in England, the ex-embassador was sent to the chateau de Lourdes, a ruinous old castle in the Pyrenean mountains; whence, after some little stay, he was removed to Paris. Meanwhile the countess of Elgin, who was then with child, seeing her husband torn from her arms, and alarmed for her own fate and condition, was of course reduced to a very disagreeable di-

lemma: for her health was but indifferent, the time of her delivery approaching, and all the fears of a woman, a wife, and a mother, by turns agitated her bosom. While in this predicament Dr. Scott, physician to the embassy, and who had formerly accompanied lord Macartney to China in the same capacity, determined to make an offer of his services. He accordingly, with a romantic degree of intrepidity, repaired to France without a passport, and even without permission of any kind, made his way to Paris, and, although himself a prisoner, contrived to administer succour and relief.

In the course of events more generous notions began to prevail. The intrepid physician was permitted to revisit his native country, after having been detained some time at Verdun. Towards the latter end of October, 1805, the countess landed at Plymouth in a flag of truce from Morlaix, while her husband was permitted to repair to the neighbourhood of Fontainbleau, one of the most pleasant residences in France. Anterior to this the two children had been confided to the care of the dowager, who took an opportunity to present them, accompanied by their two Grecian attendants, to the king; and soon after Mr. Fox had attained the office of secretary of state for foreign affairs, lord Elgin himself was at length permitted to revisit his native country, and enjoy the society of his family.

RIGHT REVEREND JOSEPH STOCK, D.D.

LORD BISHOP OF KILLALA AND ACHONRY, IN IRELAND, AND M. R. I. A.

THE political situation of Europe clearly points out the necessity of adding by every possible means to the vigour and energy of the British empire. In this point of view we trust that the late union with Ireland will be contemplated both by the present age and posterity, and that liberal concessions on all sides will gain the hearts of the two sister nations, so as to contribute to the general aim of strengthening whatever may appear weak, and fortifying whatever is already strong.

We ourselves are desirous, on the present occasion, to contemplate this close and intimate alliance in another point of view. All the men in Ireland, celebrated either for their talents or acquirements, will now flock to the common capital; a more frequent interchange of good offices will take place; while those who have hitherto but too often considered each other as rivals, will become friends and brethren. We shall now also have an opportunity of seeing some of the Irish prelates in the seat of empire, and of hearing them in the senate; and as many of these are celebrated, like the subject of this memoir, for their learning and talents, we have every reason to suppose that they will reflect honour on that legislature of which they now constitute a part.

Dr. Joseph Stock is a native of Ireland, but descended from an English family. After being initiated in Greek and Latin, and acquiring the usual attainments of the schools, he was sent to the university of the Holy Trinity at Dublin,* where among many others still living lord Glandore was his contemporary. This establishment yields, perhaps, to none in Europe for the excellence of its discipline, and the proficiency of its students. Indeed it is a well known fact that a regular degree† cannot be obtained there without due attention and study; and that those entitled to fellowships are obliged to submit to a severe and critical investigation, in respect to their qualifications.

Mr. Stock soon evinced considerable talents, and at the same time displayed an uncommon share of industry. Not content with acquiring a slight acquaintance with the best writers of antiquity, he persevered until he had obtained a complete mastery over them; and he accordingly merited the degree which he procured of M. A. His fame was

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* Not only lord Glandore, but several of the Crosbies, were his fellow-collegians.

† There is a *custom* by which every member of the Irish parliament is entitled to claim an honorary degree of the college of Dublin as a compliment; but no privilege is thereby confirmed. We believe, indeed, that such an incident has not taken place during the last half century, except in the case of the honourable George Knox, son of viscount Northland, M. P. for the university of the Holy Trinity, who could not have been qualified without this concession, to have represented it in parliament.

at length rendered conspicuous by his translation of Demosthenes; and we believe this is the only one that Ireland * has ever produced.

Being intended for holy orders, he accordingly studied the best books of divinity; and having applied himself to the Hebrew, he conceived the idea of translating a portion of the Bible: this he afterwards carried into execution at a more advanced period, and under the most favourable auspices.

Having obtained a good living, he now settled in life, and soon became the father of a numerous family. At length, in 1796, during the administration of the late marquis Cornwallis, the doctor was nominated to the united sees of Killala and Achonry, the joint revenue of which is usually estimated at four thousand pounds per annum.

At this period a large portion of Ireland was still in commotion, and an event soon after occurred that for a while revived the flame of civil war, and added fresh disasters to an unfortunate country. A committee of "united Irishmen" at Paris had prepared the French directory to expect that if a strong force were to make its appearance on the coast of Ireland, the whole country would rise like one man, on purpose to shake off "the detested yoke of England." The experiment was accordingly tried, although on a smaller scale, perhaps, than the pro-

* Dr. Francis, who published an excellent version in London, many years since, if not an Irishman himself, was at least the son of an Irish dignitary.

jectors had originally pointed out; for on the 4th of August, 1798, two frigates were dispatched with one thousand and thirty men, and seventy officers, under the command of general Humbert. After a passage of eighteen days they made their appearance in the bay of Killala; and having deceived the inhabitants by hoisting British colours, two of the bishop's sons, accompanied Mr. James Rutledge, the port-surveyor, on board, and were immediately made prisoners.*

Meanwhile the debarkation was effected with equal secrecy and dispatch; for on the 23d, the very day fixed for the visitation of the clergy of the united dioceses, the enemy entered the town of Killala; and notwithstanding one of the guests, Dr. Thomas Ellison, of Castlebar, formerly an officer in the army, headed a small body of yeomanry and fencibles, the castle was soon taken possession of, and the pious ceremonial put a stop to by one of a different kind.

Some of the many horrors of warfare were now about to be experienced by the worthy prelate: his drawing-room was immediately converted into a place of confinement for the prisoners, while a French officer marched into the castle-yard, and demanded to see *monsieur l'Eveque*. Happily for the bishop and his family he was well acquainted with

* Mr. Edwin Stock, the eldest son of the bishop, being brought on shore by the French, who wanted him as an interpreter, was restored to his family; the other also soon after escaped to Ballina, whence he made his way to Killala, after joining a party that was discomfited by the French.

the French language, and able to converse in it with fluency; he was fortunate too in other points of view, for general Humbert having promised "that nothing should be taken by the troops but what was absolutely necessary for their subsistence, and that his people should be treated with the utmost respect," his mind was relieved from much uneasiness.

Towards the evening the commander in chief, amidst the hurry and confusion of public affairs, found an opportunity to converse with his lordship about the aim and object of the invasion. After insisting on the immense power of the directory, the expected arrival of new forces, and the sanguine hopes already entertained of complete success, it was urged, "that Ireland would become a free and happy nation, under the protection of France, in less than a month." "A directory," it was added, "was immediately to be set up in the province of Connaught, some of the members of which were already appointed; *but there was still a place for a person of the ability and consequence of the bishop of Killala, if he chose to embrace the fortunate opportunity of at once serving himself, and liberating his country.*" When this insinuation was reiterated the good prelate smiled, and observed, "that he had taken too many oaths of allegiance to his sovereign to have it in his power to change." The reply was, "that he was a man of honour, and that it was far from the intention of their government to force liberty upon any man."

The dining-room at the castle, which, but a few hours before, had witnessed nothing except mirth and festivity, was now filled with French soldiers, dragging in arms and ammunition, and with prisoners undergoing examination, while a surgeon and assistants were dressing a severe wound received during a late skirmish by a surly-looking officer of grenadiers. All the lower part of the house, together with the court-yard and offices, was occupied by troops, to the number of three hundred at least. Nothing, however, was lost; and so careful were the invaders to prevent depredation, that one of them gathered up the silver spoons, &c. which had been left on the table, and enjoined the butler to carry them to his pantry. The attic story, containing a library and three bedchambers, also continued in the possession of the bishop and his family, and it remained inviolate.

Notwithstanding this delicate attention, the situation of Dr. Stock was far from being pleasant. As the castle presented itself as the only asylum to the protestants in the adjoining town, they accordingly fled thither, without distinction of age, sex, or condition. Some of them forced their way into the offices, while others occupied the staircases; a few, still more bold, thrust themselves and their children into the same beds with the infants of the bishop's own family. The whole palace, at the same time, resounded with the loquacious tongues of the Frenchmen below, and the shrieks and groans of the fugitives above!

Among the regular inmates of the castle were the reverend Thomas Thompson, dean of Killala, together with his wife and children; doctor Ellison, of Castlebar; the reverend Robert Nixon, curate of the parish; and the reverend Mr. Little, of Lockan; while his lordship's own family consisted of his lady, his sister-in-law, and Mrs. Cope; the reverend James Burrowes, who acted in the capacity of private tutor; a young nephew, eleven children, and thirteen servants.

On the succeeding day a green flag was hoisted over the gate of the episcopal palace, with the inscription,

ERIN GO BRAGH!

OR,

IRELAND FOR EVER!

This had its effects on many of the unhappy, deluded, and ignorant rabble, who were soon fitted out with French uniforms, gaudy helmets, and good muskets. Some of the first comers were induced by the hope of plunder, and perhaps of revenge; but many were afterwards forced through fear to join, as they were taught to believe that all the protestants had become "Orange men," and were bent on the extirpation of the catholics.

Meanwhile boats became necessary to transport the artillery from the ship, and *cars* (for there was not a waggon, we believe, in this part of the country, with an exception in favour of one possessed by the bishop), and application was made to his lordship for a supply; but as none were procured, not-

withstanding an injunction to that purpose, he was threatened to be sent for France, and actually marched towards the shore, under care of a corporal's guard, with orders to be carried on board one of the men of war. However, after advancing half a mile, he was brought back, and mutual explanations having taken place, the assistance demanded, was at length obtained from the townsmen.

The French troops now advanced towards Ballina, after having taken Dr. Stock's eldest son, a student at the university, as one of the hostages, while the charge of Killala was entrusted to M. Charost, *chef de demi-brigade*; a man of sense and honour, who conducted himself throughout with great moderation. Notwithstanding this the situation of the family in the castle was far from being pleasant. The bishop's larder and cellar, although plentifully stored at this season, scarcely sufficed for three days. Every thing that he had in the fields disappeared; corn, potatoes, cattle, were all wanted, and taken from him, while of his kitchen-grate such an incessant use was made, that the chimney was on fire more than once; and although in the middle of summer, about thirty tons of coals lasted only one month. His stables yielded nine horses of his own, while his guests contributed about half a dozen more: and in the space of three days he lost to the amount of above six hundred pounds.

The result of the battle of Castlebar, fought on the 28th of August, threw a gloom on the faces of the protestants, while the horrors which had been acted at

Wexford terrified the females, who at times dreaded a similar fate, more especially after the regular French force had been withdrawn, and the protection of Killala was entrusted to the Irish *irregulars*. Three officers, however, still remained, of whom we shall here give a description, as drawn up by an eye-witness:

"Lieutenant-colonel Charost had attained to the age of five-and-forty. He was born in Paris, the son (as I was told) of a watchmaker in that city, who sent him over early to some connections in St. Domingo, where he was fortunate enough to marry a wife with a plantation for her dowry, which yielded him, before the troubles, an income of two thousand pounds sterling per annum. By the unhappy war which still desolates that island he lost every thing, even to his wife and only child, a daughter; they were taken on their passage to France, and sent away to Jamaica. His eyes would fill when he told the family that he had not seen these dear relatives for six years past, nor even had tidings of them for the last three years. On returning to France he embraced the military life; at first in the royal service, afterwards, when the times changed, in that of the republic, where he had risen by due degrees to the rank he now filled. His residence had been at Rochelle with a brother, with whom he had shared bed and board till he was called, at only three days notice, to go out on the present expedition. In person he was strong and vigorous, inclining to fat; his countenance was cheerful, and, on the whole, pleasing, notwithstanding a blemish in one eye; he had a plain, good understanding, which served him for all the uses he put it to; and he had either no leisure, or no liking, to strain it with over labour. His religion, he told the bishop, he had yet to seek; because his father being a catholic, and his mother a protestant, they had left him the liberty of choosing for himself, and he had never yet found time to make the inquiry, which, however, he was sensible he ought to make, and would make at some time when heaven should grant him repose. In the interim he believed in God; was inclined to think there must be a future state;

and was very sure that, while he lived in this world, it was his duty to do all the good to his fellow-creatures that he could. The bishop offered a present to this half-christian of a book that might have satisfied his doubts, *La religion naturelle et revelée par l'Abbé Tremblay*. He was thankful; but it is not unlikely the sight even of three small volumes frightened him, for he never afterwards claimed the promise. Yet what he did not exhibit in his own conduct he appeared to respect in others; for he took care that no noise or disturbance should be made in the castle on Sundays, while the family and many protestants from the town were assembled in the library at their devotions.

" Boudet, the next in rank to the commandant, was a captain of foot, a native of Normandy, twenty-eight years of age. His father, he said, was yet living, though sixty-seven years old when he was born. His height was six feet two inches. In person, complexion, and gravity, he was no inadequate representation of the knight of La Mancha, whose example he followed in a recital of his own prowess and wonderful exploits, delivered in measured language, and an imposing seriousness of aspect. He came to Killala from the town of Newport-Pratt, which he assured us he had taken with his own hand, though defended by four English troopers: he had gallantly kept the place for three or four days, and retired from it only because it was assailed by fifteen horse; but we were not to be surprised that so much should be achieved by an officer, bred in the Ecole Militaire at Paris to be one of the late king's body-guard, trained from his childhood to arms; a man who had served in Flanders and on the Rhine, and had more than once been obliged to trample on mountains of dead and dying men after a battle. To vanity he added a fault that does not often go along with it, pride. He valued himself on an education superior to that of his companions in arms: was argumentative, contradictious, and irascible: so that his superior officer found it no easy matter to maintain peace with him. His manner, however, though distant, was polite; and he seemed to possess a more than common share of feeling, if a judgment might be formed from the energy with which he declaimed on the miseries of wars and revolutions. His integrity and courage appeared unquestionable.

On the whole, when we became familiarized to his failings, we saw reason every day to respect his virtues.

"The last of this trio was named Ponson, a curious contrast, in every respect, to the character just described. In stature he did not exceed five feet six inches; but if the body was little, it was alive from head to foot. Navarre gave him birth, the country of Henry IV.; and his merry countenance recalled to mind the features of that celebrated monarch, though without the air of benevolence diffused through them; for this monkey seemed to have no great feeling for any body but for himself. Wherever he was his presence was testified by a noise as loud and as pertinacious as that of a corn-creak; it was a continued roll of talk, or laughter, or whistling.

"The decencies of polished life he had probably never known, or if he had he affected to despise them. Yet in a gloomy hour this eternal rattle had its use: it more than once kept our spirits buoyant, when terror pressed heaviest. I shall mention two instances. One day a crowd of pikemen, clamorous with some insolent demand upon the commandant, appeared upon the point of breaking down the castle-gate. The bishop expressed his apprehension to Ponson. 'I will tell you what to do (said he): step out among them suddenly, and cry *Stop thief!* and they will every man of them take to their heels.' The other occasion was that very serious one, when (as shall be related presently) the news of the French overthrow had weakened the authority of the commandant to that degree, that the rebels were deterred from laying hands on the protestants at Killala only by the bishop's proposal of sending embassadors to Castlebar, to obtain good treatment for the rebel prisoners there. The bishop and the commandant stood outside at the gate, close circled by malecontents; authority and argument had been tried by turns; mutinous whispers were going round; the final issue of the parley was very uncertain. At this critical moment appeared Ponson, coming in from the town with a face expressive of horror. 'Commandant,' said he, 'I have a shocking piece of news to tell you.' What news? said the other, who was not in a very good humour to listen to any news. 'I am married,' cried Ponson; 'married, I give you my oath, to miss

such-a-one,' naming the prettiest girl in the town. 'This here wicked curate (Mr. Nixon, whom he held by the arm), has tied the knot, before I could find out what he was about.' This ridiculous sally, when explained to the by-standers, relaxed the features of the whole company; scowling looks were dropt, and peace and mutual agreement succeeded.

"Ponson was hardy, and patient to admiration of labour and want of rest. A continued watching of five days and nights together, when the rebels were growing desperate for prey and mischief, did not appear to sink his spirits in the smallest degree. He was ready at a moment's notice to sally out upon the marauders, whom, if he caught them in the fact, he belaboured without mercy, and without a symptom of fear for his own safety. Tied to a sword as long as himself, and armed with pistols, firelock, and bayonet, he stretched himself up to view till he became terrific, at least he frightened many a tall peasant most heartily. He was strictly honest, and could not bear the want of this quality in others; so that his patience was pretty well tried by his Irish allies, for whom he could not find names sufficiently expressive of contempt. The worst part of his character was that which related to religion. The commandant reported him to be a downright atheist. In his practice he went beyond the common herd of the French army, who, though they shewed no desire to join in worship with any people (a circumstance frightful to all, and astonishing to the Roman-catholics), yet respected the devotions of their neighbours. Ponson was a stouter sinner. The first time he dined with the family at the castle, the bishop observing him suddenly to quit the room, asked the commandant what he meant. 'You will hardly believe (said Charost) that your saying grace to your meat appeared to him an action so very ridiculous, that as he knew it would be ill manners to laugh, he was forced to leave the table till he could suppress the emotion.' In fact the bishop did *not* believe it, but in his own mind attributed the action to a more probable cause, vanity, the miserable affectation of appearing to be more wicked than he really was."

Bad as the situation of the residents of the castle may appear to have been, it was far superior to that

of the townspeople; for *M. le general* Bellew, brother to the titular bishop of the see, lived as if in a conquered country, "extorting by threats from his hosts whatever he wanted, even to wearing apparel, getting drunk continually, lighting his pipe with paper torn from the walls of his apartment, and laying a heavy tax on the sight and smell of every one that approached him; being to the last degree filthy in his person, and eaten up with the itch."

At length the tide of war turned against the insurgents; but this circumstance, instead of operating, as might have been expected, in favour of Dr. Stock, his family, and friends, had nearly proved their destruction. The rebels were now eager after pillage and revenge, but they were sternly opposed by M. Charost, who told them, that he was "chef de brigade, but not chef de brigands." In consequence of this he and his officers were obliged to be constantly on their guard; they kept twelve carabines always loaded in their chamber, and arms were, at the same time, distributed to seven or eight trusty persons belonging to the bishop's family. The 18th of September, in particular, happened to be a day of alarm; for a threat was spread abroad, in the rebel camp, that every protestant was to be imprisoned in the cathedral as a pledge for their own security, in case of the arrival of the king's army. A good dinner, however, soon quieted the insurgents; and when they had been regaled with beef,

mutton, and a moderate share of whiskey, they became good-humoured and tractable.

At length a detachment of the royal army, consisting of twelve hundred men, with five pieces of cannon, commenced their march for Killala; and the Irish peasantry having determined on resistance, a battle took place under the walls of the castle, in which about four hundred of these misguided men were killed. Dr. Stock himself witnessed the action from behind the breast of a chimney; but even this position was not altogether without danger; for one of his guests* received a wound in the forehead, and Henry, his son, escaped only by great good fortune, the ball having entered a bed that protected him. After a resistance of about twenty minutes the rebels fled in all directions, and were swept away either by grape-shot, or fell by the guns and bayonet; and amidst the indiscriminate slaughter lieutenant-colonel Charost had nearly fallen a victim.

On the arrival of general Trenchard the French officers were replaced by English ones; and as the bishop had from forty to fifty people to feed, a whole bullock was consumed in two days. Meanwhile their *friends* appear to have been to the full as dangerous as their enemies; for we are told, from good authority, "that their rapacity differed in no

* Mr. Fortescue, M. P. for the county of Louth, who had been taken prisoner.

other respect from that of the rebels, except that they seized upon things with somewhat less ceremony or excuse, and that his majesty's soldiers were incomparably superior to the Irish traitors in dexterity at stealing." Lord Cornwallis, however, soon rectified these disorders, and, at the same time, indemnified the inhabitants.

As the storm of war had now subsided, the bishop endeavoured to render his situation at Killala more comfortable; and he withstood all the solicitations made, in order to prevail upon him to repair to the capital. But on the morning of the 27th of October, 1798, three of the same frigates that had brought over Humbert's forces in August, in company with a fourth, carrying all together two thousand land-forces, once more anchored in the bay. On this the bishop set off on foot, through the deep mud, at the head of his household, while two little daughters by his side waded along with him; the other children got upon cars, with their mother and aunt; and in this situation the procession reached Ballina about six in the evening.

There they found themselves much indebted to the hospitality and kind attention of brigade-major Cunningham and his lady; and in the course of the same night they were awakened out of their sleep to be made acquainted with the joyful tidings that the French frigates had slipt their cables and withdrawn. After this alarm Dr. Stock repaired to Dublin; and it was not until some time after that he learned from authentic intelligence, that, in case

of a landing, he and his family were to have been immediately sent prisoners to France.

Soon after this his lordship published a very temperate and well written pamphlet, entitled "A narrative of what passed at Killala, in the county of Mayo, and the parts adjacent, during the French invasion, in the summer of 1798," to which we have been much indebted on the present occasion.

Meanwhile the bishop had applied himself to what may be termed *professional studies*; and in 1805 appeared "*The book of Isaiah:* in Hebrew and English. The Hebrew text metrically arranged: the translation altered from that of bishop Lowth; with notes critical and explanatory," in one volume, quarto. The circumstance that led to this publication is detailed at large, and is briefly as follows. This learned and dignified clergyman having been obliged, as has been already related, to relinquish the palace of Killala, here humbly denominated his "see-house," to the accommodation of his majesty's troops, for the space of four years, he was of course forced to relinquish the active duties of his profession. Being thus possessed of more than ordinary leisure, he employed a large portion of this interval in renewing his acquaintance with the holy scriptures; to which pursuit he had been repeatedly urged by his respected friend and relative, the late archbishop Newcome. Such was his exemplary diligence, that in the course of one single year he perused the greater part of the Old Testament in the original Hebrew; and his ear be-

came so much accustomed to a certain rythm, or metre, which seemed to pervade the whole volume, that, in express contradiction to all former expounders, the right reverend dignitary became deeply impressed with the conviction that the whole was *poetical*; and that the verses throughout consisted of bishop Lowth's *tetrameters*. In consequence of this idea he conceived a wish to see how the first of prophets, Isaiah, would appear in the dress of a poet, although a former translator had allowed some part to have been prose.

He next proceeds to explain the principle on which the metrical arrangement is conducted:

"The manner of chanting the Psalms in our cathedrals, which has flowed without interruption into the christian church from the Jewish, affords, in my apprehension (says he), the easiest and clearest answer to the question, What is Hebrew metre? The Psalms, we know, are divided into verses; verses into two parts, responsively sung by the choir; and of these parts each is distributed into musical bars of the length of four crotchets, which is called *common time*. All words included within the same bar, be they many or few, are pronounced by the choir in the same *time*; the many rapidly; the few by a lengthened utterance, without regard to quantity, or the importance of the respective words in the sentence.

"Bars of this description (adds he) measure the length of the Hebrew verses, at least of far the greater part of them; for the exceptions shall be mentioned presently; so that to the four crotchets in the *bar* the ear discerns four rests, or feet, corresponding in the *verse*; and the measure becomes exactly similar to that of our English verses of eight syllables, as in the hundredth Psalm:

'With one consent let all the earth
To God their cheerful voices raise,' &c.

The exceptions to this general rule are, that sometimes in a stanza a line of the common length is succeeded by one of three feet, or six syllables, as in Lam. ch. iii. throughout; and frequently a stanza is made to begin or end with a hemistich, instead of a whole line, of which the very first line of David's Psalms presents an example."

The learned and laborious editor, on the present occasion, has carefully transcribed the Hebrew original, for the express purpose of adjusting to each line of the text Dr. Lowth's celebrated version, so as to correct it where necessary, either by his own lights, or the later discoveries of Rosenmuller, an excellent German critic.

From a work of this kind it will not be expected that we should make many extracts: we intend, however, to present the reader with two; the first of these consists of a note respecting the "dial of Ahaz," the explanation of which must be deemed novel and interesting, even by those who may be disposed not to consider it as satisfactory.

"The researches of curious travellers in Hindostan (says the right reverend commentator) have lately discovered in that country three observatories of a similar form, the most remarkable of which is to be seen within four miles of Delhi, the ancient capital of the Mogul empire. To the politeness of Thomas Daniel, esq. R. A. I am indebted for the annexed sketch of this observatory, copied from an excellent painting in oil, made by that ingenious gentleman on the spot, and now offered for sale at his house in London.

"The reader acquainted with astronomy will see immediately how such a building must answer the double purpose of an observatory and a dial. A rectangled triangle, whose hypotheneuse is a staircase (apparently parallel to the axis of the earth), bisects a

zone, or coping of a wall, which wall connects the two terminating towers at right and left. The coping itself is of a circular form, and accurately graduated, to mark, by the shadow of the gnomon above, the sun's progress before and after noon; for when the sun is in the zenith he shines directly on the staircase, and the shadow falls beyond the spring. A flat surface on the top of the triangle, and a gnomon, fitted the building for the purpose of an observatory.

"According to the known law of refraction, a cloud or body of air of different density from the common atmosphere, interposed between the gnomon and coping or dial plate below, in the manner supposed in the next note, would, if the cloud were denser than the atmosphere, cause the shadow to recede from the perpendicular height of the staircase, and of course to reascend the steps on the coping, by which it had before now gone down; and if the cloud were rarer a contrary event would have taken place. This suggests the manner in which the shadow might be made to go either back or forward, agreeably to the option proposed by Isaiah to Hezekiah, 2 Kings, xx. 9.

"That the miracle did not consist in a reversing of the earth's diurnal rotation, but was restrained to the land of Judea merely, is plain from 2 Chron. xxxii. 31. Neither is the importance of the sign itself, as an evidence of the divine power and veracity, in any degree diminished by the suggestion, that the effect might be produced in part by natural means; for the wonder still remains, that a cloud of a particular nature should be brought forward at a time and place previously announced."

The next quotation describes the dress and ornaments of women of a certain rank among the Hebrews, during the time of the prophet Isaiah; and we shall perceive that, like the modern fine ladies of the present day, they had their "broidered kerchiefs," "tiaras," "transparent vests," "pelisses," and "turbans."

DR. STOCK'S VERSION.

Isaiah, ch. iii. 16—24.

" 16. Moreover Jehovah hath said:
Because the daughters of Zion are conceited,
And walk thrusting out the neck,
And leering with their eyes,
With measured and mincing steps move along,
And on their feet tinkle the rings:

" 17. Therefore will the Lord smite with a scab the head of the daughters of Zion,
And Jehovah will uncover their nakedness.

" 18. In that day
The Lord will take away the ornament of the ancle rings,
And the broidered kerchiefs, and the crescents,

" 19. The drops, and the clasps, and the veils,

" 20. The tiaras, and the fetters, and the zones,
And the perfume-boxes, and the amulets,

" 21. The rings, and the jewels of the nostril,

" 22. The pelisses, and the mufflers,
And the plaids, and the sachels,

" 23. The transparent vests, and the shifts,
And the turbans, and the shawls.

" 24. And it shall come to pass, that instead of perfume shall be a stench;
And instead of a girdle, a gathering;
And instead of a powdered head, baldness;
And instead of a scarf, a belt of sackcloth;
Scorching instead of beauty."

Dr. Stock is an accomplished prelate, who, after being well grounded in classical literature, refreshed his mind by foreign travel in his youth; and added

a facility in the living, to a critical knowledge in the dead, languages.

In 1777, or 1778, he married Mrs. Stock; a companion with whom he has spent a large portion of his life in the sunshine of the most perfect agreement. This lady, who died lately, produced him no less than nineteen children, in about the same number of years: two of his daughters are married; some of the sons are in the law, some in the church, and, we believe, two in the army.

MR. SPROTT.

MR. Mark Sprott, one of the greatest *capitalists* in this country since the days of George II., was born in Edinburgh, about the year 1743. He is the fourth son of respectable and industrious parents, whose success in trade enabled them to bestow on all their children a liberal education. They did more: they formed them to the pursuit of higher interests, by cultivating in their youthful minds those early impressions of religion, which form the only sound basis of an upright and manly character.

It is an axiom often recorded, as we well remember, in the blank leaves of old Lilly, who first conducted us into classic ground, that "learning is better than house and land." But time and experience seem not to have made many converts to this opinion. In these days, more especially, when all

the narrow passions predominate, the more solid, although less superlative, possession of "house and land," will be sought after with greater eagerness than any extent of territory in the empire of genius, or any acquisition in the fields of science.

Young Sprott was not launched into life either destitute or helpless, as his father was enabled to make a very respectable provision for him, together with five brothers, who are still living; but the eldest received by far the most considerable portion of his substance. The custom of endowing the first-born child with a disproportionate division of the patrimony still prevails very generally, even, at present, in the northern portion of the United Kingdom. This policy, which may have its advantage in that feudal state of society which first introduced it, has, perhaps, not much to recommend its continuance.

Be this as it may, the portion of Mr. Sprott was strictly that of a younger brother. This, although fully sufficient to invigorate his industry, was not such as to supersede its necessity. To him, indeed, it was attended with but little regret, for idleness has never been laid to his charge; and having nearly finished his course of education, he began to turn his mind towards the future employment of his life.

War then, as now, was raging with an unusual degree of violence. Our navy had but just begun to recover from the shock experienced by the capture of Minorca; and the dejection was dying

away, which had sunk the spirits of the nation, in consequence of admiral Byng's conduct in the Mediterranean. It was from the circumstance of our maritime affairs being about this period necessarily brought into discussion, that a youthful ardour was excited in the breasts of many who afterwards greatly distinguished themselves in the naval service. Among the rest Mark Sprott, and several of his school-fellows, caught the prevalent enthusiasm, and determined to embark in a seafaring life.

This resolution, we are well informed, was contrary to the wish of his parents. He, however, at length obtained their reluctant consent to pursue the bent of his inclination; and for the service in question he had fortunately prepared in an adequate manner by his mathematical studies: a branch of science to which he had always devoted himself with great fondness, and in which indeed he excelled. He made his first voyage in the year 1758, under the immediate care of a relation, who happened to be surgeon of an East Indiaman. During this trial he received his initiation into naval affairs, and enured himself a little to the hardships of active service. On his return he again embarked for Bombay, in 1761, in the capacity of midshipman. From this settlement they were, after a short stay, ordered home; but whether it was owing to the fatigue, or to the bad water which that place affords, certain it is, when they proceeded on their return to Europe they buried, between Tillicherry and St. Helena, nearly one-half of the whole crew: so much, and so danger-

ously, were they infected by disease, that they could seldom muster above two or three foremast-men on a watch, capable of doing duty. In this dilemma they had on board twenty-five French officers, prisoners of war, taken at Pondicherry, who, at the request of the captain, gave every assistance in their power in working the ship. Mr. Sprott did not escape the distemper, but was completely recovered by nine weeks refreshment at Kingsale, in Ireland, where they arrived, without any accident, in December, 1762.

About this time peace being concluded with France, and a great retrenchment having taken place in the navy, the officers in the king's service resorted in multitudes to that of the India company. Mark Sprott, on his ship being paid off, sat down to deliberate on his future destiny; but he did not long debate the matter, for finding his slender interest insufficient to procure him a situation to which he thought himself entitled, he immediately became mate of a West India ship, bound for Jamaica.

No sooner had he returned from this voyage than he once more embarked for Asia. The vessel in which he sailed was bound for Bombay, but was to touch at Madras, to procure a reinforcement of troops for the army, as the war with Hyder Ally, at that period, raged with unusual violence in the Carnatic.

During the night on which they anchored in Madras-roads, such a terrible gale came on that

no boat durst venture from the shore. On the next day, after a consultation, it was determined to proceed to sea: the event proved the wisdom of this resolution, for in the course of that very evening the monsoon suddenly commenced, and obliged them to cut away their anchors, and to cast overboard such guns as they could get at, while the topmasts were, at the same time, swept into the sea. The gale continued for the space of thirty-two hours; and such severe damage did the vessel sustain, that it was with extreme difficulty, and with her pumps constantly at work, that she could reach Bombay; where she was docked, and underwent a thorough repair.

During all this time Mr. Sprott gained much naval knowledge, but obtained no naval promotion. This, for reasons obvious enough, rendered him not a little dissatisfied with the service. But the necessity of perseverance, in order to the attainment of an independant fortune, retained him in his station. He returned to England disappointed in his views of advancement, but he still resolved to persist in his course; and accordingly he once more embarked on board his former ship, then bound on a voyage to Madras and China.

Whether chagrin and disappointment, about this period, preyed upon his spirits, we shall not pretend to determine; but we understand that he received the captain's permission to remain at Fort St. George, on account of his health. After residing there until he was somewhat recovered, he embarked

for Bengal, for the purpose of obtaining the command of a country ship. But fortune still continued unfriendly to his views; and he encountered during the long period of eleven years, all the hardships of a seafaring life, without the possibility of improving his situation.

At length a gleam of comfort broke on his mind. Mark Sprott had always been rigidly exact in keeping not only his sea-journal, but in compiling an account of the manners and customs of the countries he had visited, and having constantly carried with him a good collection of books, he found ample sources of information and improvement, of both of which he was now resolved to avail himself.

Shortly after his arrival at Calcutta, in November 1769, he was introduced to an old school-fellow, high in the civil service of the company. The new system had, about that time, been adopted, and the gentleman in question was nominated supervisor of three of the most flourishing provinces in Bengal. The accession of employment which this novel appointment brought with it, rendering a secretary necessary, Mr. Sprott, being every way qualified, was engaged in that office; and sat down to execute the duties of his situation in the month of March following.

This happened to be the epoch of a deplorable famine that visited, and almost depopulated, that portion of India. It at length reached Calcutta, where, dreadful to be related, many thousands

fell daily in the streets and fields, whose bodies, mangled by dogs, jackals, and vultures, in that hot season, when at best the air is very infectious, made the inhabitants dread the consequences of a plague. A hundred people were employed upon the *Cutcherry-list*, on the company's account, with sledges and bearers to carry away the dead, and throw them into the river Ganges.* At this time Mr. Sprott (as his friend had no house to reside in but an old stone fort, with small rooms, after the manner of the Moors) set about building a *bungolo*. As it was chiefly constructed by means of a cement of mud and straw, according to the custom of the country, with Palmyra trees at certain distances, earth was required to raise it eight or ten feet above the surface; and it accordingly became necessary to employ a number of the miserable Gentoos to bring it from a distance in small baskets, into which, when empty, a man stood ready to throw the price of their labour; the famishing wretches imploring, with extended arms, that they might receive a little rice instead of money. So extreme was their hunger, that when the carpenters were cutting a groove in the Palmyra trees, for the purpose of inserting the rafters, these poor creatures were eagerly scrambling for the fallen chips, which being somewhat moist with sap they voraciously devoured. So exhausted were many of them by their efforts, as to

* Vide Annual Register for 1771, p. 206.

be unable to rise again; and in this condition were carried out to die, while the birds and beasts of prey were frequently found feeding on their wasted bodies still warm with life. It is remarkable, that these unhappy labourers, notwithstanding the dreadful sufferings occasioned by the want of food, would never, during the severest extremity, touch any thing which had life. So powerful was the influence of their religion on their strong, but untutored, minds!

The general feebleness of the natives, occasioned by the great dearth of food, rendered it necessary to employ the labour of upwards of five hundred persons in the little building that was carrying forward; and such was the mortality, that in the space of about three weeks this number was diminished to forty. Mark Sprott himself was seized with a violent and dangerous fever; and there being no medical assistance within sixty miles, he was compelled to travel that distance to procure it.

Accordingly, in the beginning of August, amidst incessant rains, he proceeded in a palanquin, supported by poor emaciated bearers, who, whenever they came to a creek which it was necessary to pass, went up to the adjacent villages, and purchasing a sufficient number of hurry-pots, tied them together with the mouth upwards, and thus constructed a float. Then taking a quilt from the palanquin, they laid it uppermost; and placing Mr. Sprott upon the raft, they got into the water, and pushed it before them to the opposite side. After landing

him there, they returned, and brought over the palanquin and other baggage in the same manner. This was repeated as often as it was necessary; and that necessity recurred ten or twelve different times, during a journey of four days.

Mr. Sprott was by this time reduced to such a state of weakness as to be quite helpless, and unable to stand upright. But at length, by the friendly assistance of the gentlemen at the factory, and the professional skill of the surgeon attached to it, he was completely retored to health.

Shortly after this the friend, to whom he acted as secretary, was appointed resident, and relinquished the supervisorship of the three provinces. Mr. Sprott, however, continued under him till March, 1773, when he became a member of the council of Calcutta, upon which Mark found himself once more cast as it were upon the wide world, and very reluctantly prepared to quit a spot endeared to him by the station he had filled, and the connections he had formed

By habits of frugal industry he had by this time obtained a moderate independance. On his arrival at the presidency, he paused, however, as to the mode he could best employ the property he had acquired. Having neither personal influence, nor powerful patronage, he found, on considering the system that prevailed over all Hindostan, that it would be weakness to embark his capital in commercial adventure, particularly as all contracts for the manufactures of India are made in advance;

and the balance of accounts is seldom liquidated but upon new contracts, and fresh advances.

Mr. Mark Sprott, therefore, conceived it most prudent to remain content with what he had acquired, and resolved to contrive, if possible, to obtain a safe remittance of his gains to Europe: this, about the beginning of 1775, was at length accomplished, by a mortgage on property sent to L'Orient. He reached that port in time to be present at the sales; and, after some disappointments, he was fortunate enough, previously to his departure, to make such arrangements, notwithstanding the war with France, which broke out in a short time, as enabled him eventually to obtain payment to the full amount. After this he regularly invested his remittances, partly in annuities, to increase his income, and partly in the public funds, having no intention to embark in any kind of business whatsoever.

In the year 1781 he married a lady of a very ancient and respectable family in Galloway, of whom report speaks as greatly esteemed, and greatly deserving to be so, in the circle of her friends; and as uniting the warmth of a devotional and pious mind with the cheerfulness of a benevolent heart.

Having now finally settled in London, as he followed no profession, Mr. Sprott began to feel the irksomeness of idle independance. To alleviate this he occasionally employed his leisure in visits to the bank and stock-exchange; and, after a time, formed an intimacy with some of the most respectable

characters in those marts of money and speculation. His natural sagacity, of which he is allowed to possess no small share, soon initiated him into the mysteries of finance, and made him perceive that he might, without risk, become an actor in those transactions, of which he had been hitherto only a spectator.

He first began, as we understand, by lending his stock to particular friends; a circumstance which, of course, was productive of some profit. He was too wary, however, to be betrayed into the wide vortex of speculation; and being known to possess considerable property, his correctness, punctuality, and integrity, soon obtained for him that entire confidence so necessary in the transactions of the stock-exchange. He has ever since continued in that line, not as a stock-jobber, or broker, for he does not fall within either of these descriptions, but is, if we may use the term, an *underwriter of both*; that is, he lends on stock which he does not choose to buy, and is obliged to deliver, thinking the funds will fall, while he advances that same stock to another who thinks the market will rise. The latter, in the vocabulary of the stock-exchange, is a *bull*, the former a *bear*. There are other lucrative means of keeping money in motion, by which great fortunes are amassed, and his, among the rest, has been considerably increased. He connected himself with a party of gentlemen who contracted for the lottery of 1799. In 1800 we find him at the head

of a list for the loan of that season, and likewise for the respective biddings of the three following years.

With regard to this gentleman's transactions with Mr. Trotter, they are fully detailed in his examination before the managers of the house of commons, and on the trial of lord viscount Melville in the house of peers. It appears that for every sum, at any time obtained from Mr. Trotter, he uniformly gave government security to the full amount borrowed, either in stock, scrip, navy, or exchequer bills, so that no loss was risked on the capital lent, since those securities might instantly have been resorted to on the slightest defalcation. The evidence before the house of peers fully attested his having at no time had any pecuniary transactions with lord Melville. An advance of about fifty thousand pounds, upon the security of India stock and three per cent. consols, was indeed made for his son, the honourable Robert Dundas; but it was borrowed by *him* for his father's accommodation; and for the repayment of it, the above stock, belonging to lord Melville, stood pledged, together with the additional security of the near relation to whom the loan was made.

VICE-ADMIRAL

LORD COLLINGWOOD,

COMMANDER IN CHIEF OF THE MEDITERRANEAN FLEET.

WHOEVER chooses to refer to the list of the peerage during the present reign, will discover that naval merit was never so prized and remunerated in any former portion of our annals. In the early periods of our history battles by sea were less frequent, and generally less decisive, than at present; and the honours of nobility never conferred but on commanders in chief.

During the whole reign of Elizabeth but one single instance of this kind occurs, and that soon after the memorable defeat of the Spanish armada, when Charles Howard, lord Howard of Effingham, the high-admiral, was created earl of Nottingham, in 1597. While James I. filled the throne, England possessed a long, and almost uninterrupted, tranquillity; and thus enjoyed a happy exemption from feats of arms and deeds of glory: of one hundred and nine patents conferred by that prince, it is not therefore surprising that none were granted for meritorious services at sea.

The civil war shed a fatal influence on the reign of a succeeding monarch; and as the navy declared for the parliament, of course Charles I. bestowed none of his favours on its officers; but on the Re-

storation, Charles II. thought fit to reward Monk, who had acted, at different times, both as an admiral and a general, with the title of baron Monk, of Petheridge, Beauchamp of Beauchamp, baron of Tyes, earl of Torrington in Devonshire, and duke of Albemarle, in 1660. Edward Montagu, who for some time served with a division of the fleet, under the Republic, was also created baron Montagu of St. Neots, viscount Hinchinbroke in Huntingdonshire, and earl of Sandwich in the county of Kent.

James II. had frequently acted as commander in chief at sea before he was a king; but his reign was so short and disastrous, that only twelve of his subjects appear to have been ennobled. During the succeeding one of William III. one naval man only, we believe, was created a peer, viz. admiral Russel, baron of Shingay, in the county of Cambridge, viscount Barfleur, and earl of Orford, in the county of Suffolk, 1697.

The age of Anne was chiefly distinguished for military exploits; but her successor, George I., was pleased to reward conspicuous merit, in the person of George Byng, who was created baron Byng, of Southhill, in Bedfordshire, and viscount Torrington, in Devonshire, 1720.

In the time of George II. commodore George Anson, the circumnavigator, became an admiral, and first lord of the admiralty; he also was ennobled about the same time as baron of Soberton, in Hampshire.

On the accession of his present majesty, an epoch more auspicious to naval men, and naval affairs, took place. In 1776 the gallant sir Edward Hawke, K. B. became baron Hawke, of Towton, in Yorkshire; lord Hood, in 1796, was created viscount Hood; in 1797 sir John Jervis received a patent as earl of St. Vincent; and Robert Duncan, as viscount Duncan, of Camperdown; in 1800 sir Alexander Hood was honoured with the title of viscount Bridport; in 1801 sir George Keith Elphinstone was declared a baron of Great Britain; and Horatio Nelson, the hero of the Nile and Trafalgar, a viscount; while in 1805 admiral sir Charles Middleton was honoured with the title of lord Barham; and in 1806 admiral Collingwood also became a baron of the realm.

Cuthbert Collingwood, of whom we are now to treat, was born about the year 1750. His family, which is an ancient one in the north of England, appears to have distinguished itself in the wars of the *Borders*. During the sixteenth century, when the landholders on each side, summoning their vassals to their aid, were accustomed to make inroads, and avenge the deadly feuds that prevailed until the union of the two kingdoms, one of his ancestors in particular, and who bore exactly the same name as himself, having taken part in these skirmishes, was made a prisoner at the engagement of Reidshire. This anecdote is recorded in a very flattering manner by a contemporary poet:

"But if ye wald a souldier search,
Among them a' were ta'en that night,
Whas name sae wordie to put in verse
As Collingwood, that courteous knight?*"

The subject of this memoir was educated at the grammar-school of Newcastle-upon-Tyne, under the reverend Hugh Moises, M. A.; and had for his contemporaries sir William Scott, now a judge of the admiralty; and lord Eldon, his younger brother. It has long been a maxim to send all those destined for the sea-service on board ship at as early an age as possible; but what time young Collingwood first trod the quarter-deck of a man of war we are unable to decide. The profession, however, appears to have been his own particular choice: for as his father † was a man of some little

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* The Collingwoods lived in the very midst of the "debateable ground;" and, as has been observed above, this one took part in the feats of "Border-chivalry." The petty wars of those days are happily over; and a poet of our own days may truly exclaim:

"Sweet Teviot! on thy silver tide,
The glaring bale-fires blaze no more;
No longer steel-clad warriors ride
Along thy wild, and willowed, shore.

"Where'er thou wind'st, by dale or hill,
All, all is peaceful, all is still:
As if thy waves since Time was born,
Since first they roll'd their way to Tweed,
Had only heard the shepherd's reed,
Nor started at the bugle-horn."

Lay of the last Minstrel.

† Cuthbert Collingwood, of Ditchbourn, in the county of

property, and he the eldest son, it is not likely that he should have been obliged, on account of the *res dura* of the family, to have sought for "his bread on the waters." It seems probable that he might have been induced by the example of his near relation Thomas Collingwood, a post-captain in the navy, who while on board the Crescent, of twenty-eight guns, in the West Indies, had greatly distinguished himself by attacking two French frigates, one of which escaped, while the latter was captured, and carried into Basse-Terre.

Certain it is that he accompanied the officer just alluded to in the Monmouth of sixty-four, and the Grafton of seventy-four, and saw much service under the brave, but unfortunate, Byron. During the engagement off Grenada, the Grafton was fought with distinguished courage, and her commander was afterwards sent with a broad pendant, and a detachment of six sail of the line under him, to cruize against the enemy.

When he became a midshipman we know not; but it was not until after many years service that lieutenant Collingwood attained the rank of master and commander. At length, however, in 1779, he was appointed to the Badger sloop of war, in which post he succeeded the gallant captain, afterwards lord, Nelson, with whom he always lived in great

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Northumberland, who died about 1780. This gentleman was the younger brother of Edward Collingwood, of Chirton, esq. who left a considerable property to lord Collingwood.

intimacy, and uninterrupted friendship, from their first meeting: indeed they were always accustomed to hail each other by the endearing appellation of messmate," in consequence of having lived together at Jamaica.

In the spring of 1780 Collingwood became post-captain, on which occasion he obtained first the Pomona, and then the Pelican, the latter of which was wrecked on the Morant Keys, near the island of Jamaica, after capturing Le Cerf, a large French privateer. But he had no other opportunity to distinguish himself during the American war.

At the commencement of hostilities with France, in 1793, captain Collingwood, who had served during the peace in the East Indies, was again employed; and we find him, during the action of the 1st of June, acting as captain to rear-admiral Bowyer's flag, flying on board the Barfleur, when lord Howe acquired his celebrated naval victory. It is well known that no one ship of the fleet was either better fought or managed during that ever-memorable day; and it is equally notorious that these departments are under the immediate cognisance of an officer in his station; yet the name of this gentleman was not so much as mentioned in the dispatches. Nor is it a little remarkable, although his superior, who lost a leg on the occasion, was rewarded with a baronetage and a gold medal, that he was by some accident omitted in the distribution of the latter honour.

During the encounter with the Spanish fleet, off

Cape St. Vincent, February 13, 1797, captain Collingwood commanded on board the Excellent, of 74 guns, and conducted himself in such a gallant manner as to obtain the praise of a man who had already begun to signalise himself by those qualities which at once form and denote the hero. The brave lord Nelson, who on that day wore a distinguishing pennant, although only a captain, thus expresses himself in a short memorandum, written immediately after the engagement:

— "I was immediately joined, and most nobly supported by the Culloden, captain Troubridge. The Spanish fleet not wishing, I suppose, to have a decisive battle, hauled to the wind on the larboard tack, which brought the ships above mentioned to the leewardmost and sternmost ships in their fleet. For near an hour, I believe (for I do not pretend to be correct as to time), did the Culloden and Captain support this not only apparently, but really unequal contest; when the Blenheim passing between us and the enemy gave us a respite, and sickened the Dons.

"At this time the Salvador del Mundo, and San Isidro, dropped astern, *and were fired into, in a masterly style, by the Excellent, captain Collingwood, who compelled the San Isidro to hoist English colours; and I thought the large ship also had struck: but captain Collingwood, disdaining the parade of taking possession of a vanquished enemy, most gallantly pushed up, with every sail set, to save his old friend and messmate, who was, in appearance, in a critical state.*"

At length, after many years service, captain Collingwood obtained his flag in 1799, as a rear-admiral; which was hoisted first on board the Triumph, of seventy-four, and then in the Barfleur, of ninety-eight, in the Channel fleet, commanded by lord

Bridport, a division of which was for some time entrusted to his care.

Between this period and the epoch of the present war nothing particular occurred, save that when a new promotion took place he became a vice-admiral of the blue.

The new war that occurred in 1803, which is the third he had witnessed, proved propitious to the fame of a man who had hitherto remained unknown, merely because he never enjoyed an opportunity of distinguishing himself.

Happening to be sent, with eight sail of the line, in 1805, to Cadiz, to resume the blockade, which had been interrupted by the arrival of Villeneuve, he was obliged, of course, to retire before twenty-nine large ships of the enemy; and on this occasion his capture would have been inevitable had he been pursued. No sooner, however, was his division reinforced to twenty sail of the line, than he immediately resumed his former station, and bade defiance to the Spaniards.

At length lord Nelson arrived, and having issued a new order of battle,* and determined on a new

* The order in which the ships of the British squadron attacked the combined fleets, on the 21st of October, 1805.

VAN, OR WEATHER-COLUMN.

Ships' names.	*Guns.*	*Commanders.*
1. Victory	100	Vice-admiral visc. Nelson, Captain T. M. Hardy.
2. Temeraire	98	Eliab Harvey.

manner of engaging, vice-admiral Collingwood, in the Royal Sovereign, of one hundred guns, was

VAN, OR WEATHER-COLUMN.

	Ships' names.	*Guns.*	*Commanders.*
3.	Neptune	98	T. F. Freemantle.
4.	Conqueror	74	Israel Pellew.
5.	Leviathan	74	H. W. Bayntun.
6.	Ajax	74	Lieut. J. Pilfold, acting.*
7.	Orion	74	Edm. Codrington.
8.	Agamemnon	64	Sir Edw. Berry.
9.	Minotaur	74	C. J. M. Mansfield.
10.	Spartiate	74	Sir F. Laforey, bart.
11.	Britannia	100	Rear-adm. earl of Northesk, Captain Charles Bullen.
12.	Africa	64	Henry Digby.

FRIGATES, &c.

Euryalus	36	Hon. H. Blackwood.
Sirius	36	William Prowse.
Phœbe	36	Hon. T. B. Capel.
Naiad	38	T. Dundas.
Pickle, sch.	12	Lieut. J. R. Lapenotiere.
Entreprenante, cut.	12	Lieut. R. B. Young.

REAR, OR LEE-COLUMN.

13.	Royal Sovereign	100	Vice-admiral Collingwood. Captain E. Rotherham.
14.	Mars	74	George Duff.
15.	Belleisle	74	William Hargood.
16.	Tonnant	80	Charles Tyler.
17.	Bellerophon	74	John Cooke.
18.	Colossus	74	J. N. Morris,
19.	Achille	74	Richard King.
20.	Polyphemus	64	Robert Redmill.
21.	Revenge	74	R. Moorsom.
22.	Swiftsure	74	W. G. Rutherford.

appointed to lead the rear, or lee-column. He was now commanded by his old friend, under whose auspices he participated in the honours of the celebrated battle off Cape Trafalgar, and who lived just long enough to witness and to praise his conduct, by means of an exclamation highly complimentary to his gallantry.*

However, to convey a true idea of the merits of both during this action, it may be necessary here to transcribe the official correspondence:

"ADMIRALTY-OFFICE, NOVEMBER 6, 1805.

"Dispatches, of which the following are copies, were received at the Admiralty this day, at one o'clock, A. M. from vice-ad-

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REAR, OR LEE-COLUMN.

Ships' names.	*Guns.*	*Commanders.*
23. Defence - -	74	George Hope.
24. Thunderer -	74	Lieut. J. Stockham, acting.*
25. Defiance - -	74	P. C. Durham.
26. Prince - -	98	Richard Grindall.
27. Dreadnought -	98	John Conn.

The officers marked thus [*] have been promoted by the lords commissioners of the admiralty to the rank of post-captain, for their gallant conduct on this immortal day.

* When vice-admiral Collingwood, with his division, broke the line, the commander in chief, turning round with exultation, exclaimed: "Look at that noble fellow! observe the style in which he carries his ships into action." See Charnock's Life of Lord Nelson; in the course of which frequent mention is made of the subject of this memoir. In one letter in particular, dated "Boreas, off Martinico, March 5, 1786," lord viscount, then captain Nelson, observes as follows to his friend captain Lockyer: "This station has not been unpleasant; had it not been for Collingwood, it would have been the most disagreeable I ever saw."

miral Collingwood, commander in chief of his majesty's ships and vessels off Cadiz.

"SIR, Euryalus, off Cape Trafalgar, Oct. 22, 1805.

"The ever to be lamented death of vice-admiral lord viscount Nelson, who, in the late conflict with the enemy, fell in the hour of victory, leaves to me the duty of informing my lords commissioners of the Admiralty, that on the 19th instant it was communicated to the commander in chief from the ships watching the motions of the enemy in Cadiz, that the combined fleet had put to sea. As they sailed with light winds westerly, his lordship concluded their destination was the Mediterranean; and immediately made all sail for the Streights' entrance, with the British squadron, consisting of twenty-seven ships, three of them sixty-fours, where his lordship was informed by captain Blackwood (whose vigilance in watching, and giving notice of the enemies movements, has been highly meritorious), that they had not yet passed the Streights.

"On Monday, the 21st instant, at day-light, when cape Trafalgar bore east by south about seven leagues, the enemy was discovered six or seven miles to the eastward, the wind about west, and very light: the commander in chief immediately made the signal for the fleet to bear up in two columns, as they are formed in order of sailing: a mode of attack his lordship had previously directed, to avoid the inconvenience and delay in forming a line of battle in the usual manner. The enemy's line consisted of thirty-three ships (of which eighteen were French, and fifteen Spanish), commanded in chief by admiral Villeneuve; the Spaniards, under the direction of Gravina, wore with their heads to the northward, and formed their line of battle with great closeness and correctness. But as the mode of attack was unusual, so the structure of their line was new: it formed a crescent convexing to leeward; so that in leading down to their centre, I had both their van and rear abaft the beam. Before the fire opened, every alternate ship was about a cable's length to windward of her second a-head and a-stern, forming a kind of double line; and appeared, when on their beam, to leave a very little interval betw en them, and this without crowding their ships. Admiral Villeneuve was in the

Bucentaure in the centre, and the prince of Asturias bore Gravina's flag in the rear; but the French and Spanish ships were mixed without any apparent regard to order of national squadron.

"As the mode of our attack had been previously determined on, and communicated to the flag-officers and captains, few signals were necessary; and none were made, except to direct close order as the lines bore down. The commander in chief in the Victory led the weather-column; and the Royal Sovereign, which bore my flag, the lee. The action began at twelve o'clock, by the leading ships of the columns breaking through the enemy's line, the commander in chief about the tenth ship from the van, the second in command about the twelfth from the rear, leaving the van of the enemy unoccupied; the succeeding ships breaking through in all parts, astern of their leaders, and engaging the enemy at the muzzles of their guns.

"The conflict was severe; the enemy's ships were fought with a gallantry highly honourable to their officers; but the attack on them was irresistible; and it pleased the Almighty disposer of all events to grant his majesty's arms a complete and glorious victory.

"About three P. M. many of the enemy's ships having struck their colours, their line gave way; admiral Gravina, with ten ships, joining their frigates to leeward, stood towards Cadiz. The five headmost ships in their van tacked; and standing to the southward, to windward of the British line, were engaged, and the sternmost of them taken; the others went off, leaving to his majesty's squadron nineteen ships of the line (of which two are first-rates, the Santissima Trinidada, and the Santa Anna), with three flag-officers, viz. admiral Villeneuve, the commander in chief; don Ignatio Maria D'Aliva, vice-admiral; and the Spanish rear-admiral don Baltaza Hidalgo Cisneros.

"After such a victory it may appear unnecessary to enter into encomiums on the particular parts taken by the several commanders: the conclusion says more on the subject than I have language to express; the spirit which animated all was the same; when all exert themselves zealously in their country's service, all deserve that their high merits should stand recorded: and never was high merit more conspicuous than in the battle I have described.

"The Achille (a French seventy-four), after having surrendered, by some mismanagement of the Frenchmen, took fire, and blew up; two hundred of her men were saved by the tenders. A circumstance occurred during the action, which so strongly marks the invincible spirit of British seamen, when engaging the enemies of their country, that I cannot resist the pleasure I have in making it known to their lordships: the Temeraire was boarded, by accident or design, by a French ship on one side, and a Spaniard on the other: the contest was vigorous; but, in the end, the combined ensigns were torn from the poop, and the British hoisted in their places.

"Such a battle could not be fought without sustaining a great loss of men. I have not only to lament in common with the British navy, and the British nation, in the fall of the commander in chief, the loss of a hero, whose name will be immortal, and his memory ever dear to his country; but my heart is rent with the most poignant grief for the death of a friend, to whom, by many years intimacy, and a perfect knowledge of the virtues of his mind, which inspired ideas superior to the common race of men, I was bound by the strongest ties of affection; a grief to which even the glorious occasion in which he fell, does not bring the consolation which perhaps it ought.

"His lordship received a musket-ball in his left breast, about the middle of the action, and sent an officer to me immediately with his last farewel; and soon after expired. I have also to lament the loss of those excellent officers, captains Duff of the Mars, and Cooke of the Bellerophon. I have yet heard of none others.

"I fear the numbers that have fallen will be found very great when the returns come to me; but it having blown a gale of wind ever since the action, I have not yet had it in my power to collect any reports from the ships.

"The Royal Sovereign having lost her masts, except the tottering foremast, I called the Euryalus to me, while the action continued; which ship, lying within hail, made my signals; a service captain Blackwood performed with very great attention. After the action I shifted my flag to her, that I might more easily communicate my orders to, and collect the ships, and towed the

Royal Sovereign out to seaward. The whole fleet were now in a very perilous situation; many dismasted; all shattered; in thirteen fathom water, off the shoals of Trafalgar; and when I made the signal to prepare to anchor, few of the ships had an anchor to let go, their cables being shot.

"But the same good Providence which aided us through such a day preserved us in the night, by the wind shifting a few points, and drifting the ships off the land, except four of the captured dismasted ships, which are now at anchor off Trafalgar, and I hope will ride safe until those gales are over.

"Having detailed the proceedings of the fleet on this occasion, I beg to congratulate their lordships on a victory which, I hope, will add a ray to the glory of his majesty's crown, and be attended with public benefit to our country.

"I am, &c.

(Signed) "C. COLLINGWOOD."

"William Marden, esq."

Immediately after the action admiral Collingwood returned thanks to all the officers, seamen, and marines, of the fleet, in a letter addressed "to the right honourable admiral the earl of Northesk, and the respective captains and commanders;" and while he recapitulated their services, did not forget to notice "the ever to be lamented death of lord viscount Nelson, duke of Bronte, the commander in chief, who fell in the action of the 21st, in the arms of victory, covered with glory, and whose memory will ever be dear to the British navy and the British nation." At the same time an order was issued, that "a day should be appointed of general humiliation before God, and thanksgiving for his merciful goodness; imploring forgiveness of sins, a continuation of his divine mercy, and his constant aid towards

s, in the defence of our country's liberties and laws."

But as the fleet was now dispersed by a severe gale, it was found impossible to appoint a suitable time for this purpose. On the morning of the 22d, the day succeeding the battle, a strong southerly wind began to blow; notwithstanding which the seamen took possession of about thirteen or fourteen of the prizes. These were immediately towed off to the westward; and orders, at the same time, issued that they should rendezvous round the Royal Sovereign. But on the 23d the storm increased, and the sea ran so high, that many of them broke the tow-rope, and drifted to leeward, while others put before the wind, and were wrecked on the coast.

Meanwhile the remnant of the combined fleet, consisting of ten sail, which had not been much engaged, stood up, as if meaning to commence an attack. On this it was determined by admiral Collingwood to collect a force out of the least injured ships, and form to leeward for their defence. But as the bad weather continued, he finally resolved to destroy all the leewardmost, that could be cleared of the men, as he considered that keeping possession of the ships was a matter of little consequence when compared with the chance of their falling again into the hands of the enemy.*

* A List of the combined fleets of France and Spain, in the ac-

This, however, proved an arduous and even dangerous task, in consequence of the high sea then running;

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tion of the 21st of October, 1805, off Cape Trafalgar, shewing how they are disposed of.

1. Spanish ship, San Ildefonso, of 74 guns, brigadier don Joseph de Vargas; sent to Gibraltar.
2. Spanish ship San Juan Nenomuceno, of 74 guns, brigadier don Cosme Churrruca; sent to Gibraltar.
3. Spanish ship Bahama, of 74 guns, brigadier don A. D. Galiano; sent to Gibraltar.
4. French ship Swiftsure, of 74 guns, monsieur Villemadrin; sent to Gibraltar.
5. Spanish ship Monarca, of 74 guns, don Jeodoro Argumosa; wrecked off San Lucar.
6. French ship Fougueux, of 74 guns, monsieur Beaudouin; wrecked off Trafalgar, all perished, and thirty of the Temeraire's men.
7. French ship Indomptable, of 84 guns, monsieur Hubert; wrecked off Rota, all perished.
8. French ship Bucentaure, of 80 guns, admiral Villeneuve, commander in chief; captains Prigny and Magendie; wrecked on the Porques, some of the crew saved.
9. Spanish ship San Francisco de Asis, of 74 guns, don Luis de Flores; wrecked near Rota.
10. Spanish ship El Raya, of 100 guns, brigadier don Henrique Macdonel; wrecked near San Lucar.
11. Spanish ship Neptuno, of 84 guns, brigadier don Cayetano Valdes; wrecked between Rota and Catolina.
12. French ship Argonaute, of 74 guns, monsieur Epron; on shore in the port of Cadiz. [By subsequent account not lost.]
13. French ship Berwick, of 74 guns, monsieur Camas; wrecked to the northward of San Lucar.
14. French ship Aigle, of 74 guns, monsieur Courege; wrecked near Rota.

but he entrusted it to skilful officers; and the captains of the Prince and Neptune accordingly clear-

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15. French ship Achille, of 74 guns, monsieur De Nieuport; burnt during the action.
16. French ship Intrepide, of 74 guns, monsieur Infernet; burnt by the Britannia.
17. Spanish ship San Augustin, of 74 guns, brigadier don Felipe X. Cagigal; burnt by the Leviathan.
18. Spanish ship Santissima Trinidada, of 140 guns, rear-admiral don Baltazar H. Cisneros; brigadier don F. Uriarte; sunk by the Prince, Neptune, &c.
19. French ship Redoutable, of 74 guns, monsieur Lucas; sunk astern of the Swiftsure; Temeraire lost thirteen, and Swiftsure five, men.
20. Spanish ship Argonauta, of 80 guns, don Antonia Parejo; sunk by the Ajax.
21. Spanish ship Santa Anna, of 112 guns, vice-admiral don Ignacio D'Alava, captain don Joseph de Gardoqui; taken, but got into Cadiz in the gale, dismasted.
22. French ship Algesiras, of 74 guns, rear-admiral Magon (killed); captain monsieur Bruaro; taken, but got into Cadiz in the gale, dismasted.
23. French ship Pluton, of 74 guns, monsieur Cosmao; returned to Cadiz in a sinking state.
24. Spanish ship San Juste, of 74 guns, don Miguel Caston; returned to Cadiz; has a foremast only.
25. Spanish ship San Leandro, of 64 guns, don Joseph de Quevedo; returned to Cadiz, dismasted.
26. French ship Neptune, of 84 guns, monsieur Maistral; returned to Cadiz, and perfect.
27. French ship Heros, of 74 guns, monsieur Poulain; returned to Cadiz, lower masts in, and admiral Rossilie's flag on board.
28. Spanish ship Principe de Asturias, of 112 guns, admiral don F. Gravina; don Antonio Escano, &c returned to Cadiz, dismasted.

ed the Trinidad, and sunk her. To captains Hope, Baytun, and Malcolm, who had joined the fleet from

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29. Spanish ship Montanez, of 74 guns, don Francisco Alcedo; returned to Cadiz.

30. French ship Formidable, of 80 guns, rear-admiral Dumanoir; hauled to the southward, and escaped.

31. French ship Mont Blanc, of 74 guns, monsieur Le Villegries; hauled to the southward, and escaped.

32. French ship Scipion, of 74 guns, monsieur Berenger; hauled to the southward, and escaped.

33. French ship Duguay Trouin, of 74 guns, monsieur Tousset; hauled to the southward, and escaped.

[N. B. These four ships were captured by sir Richard Strachan on the 4th instant.]

ABSTRACT.

At Gibraltar -	-	4
Destroyed -	-	15
In Cadiz, wrecks -	6	10
In Cadiz, serviceable	4	
Escaped to the southward	-	4
	Total	33

A list of the names and rank of the flag-officers of the combined fleet of France and Spain, in the action of the 21st of October, 1805.

Admiral Villeneuve, commander in chief; Bucentaure.—Taken.

Admiral don Frederico Gravina; Principe de Asturias.—Escaped, in Cadiz, wounded in the arm.

Vice-admiral don Ignatio Maria D'Alava; Santa Anna.—Wounded severely in the head, taken, but was driven into Cadiz in the Santa Anna.

Rear-admiral don Baltazar Hidalgo Cisneros; Santissima Trinidada.—Taken.

Rear-admiral Magon; Algesiras.—Killed.

Rear-admiral Dumanoir; Formidable.—Escaped.

Gibraltar, the charge of destroying four others was confided. The Redoubtable sunk astern of the Swiftsure, while in tow; and the whole fleet, both victors and vanquished, was at one time in such a dangerous situation, that, but for a fortunate shift of wind, inevitable ruin seemed to await them.

The French Swiftsure was, however, saved by the extraordinary exertions of captain Capel; and his ship, the Phœbe, together with the Donegal, captain Malcolm, afterwards brought out the Bahama, while captain Hope rigged, and succeeded in securing the St. Ildefonso.

It now remains to record one trait in the character of the subject of this memoir; and it shall be presented in his own words. After observing that the ruin of the enemy's fleet was as complete as could be expected, under the circumstances of fighting them close to their own shore, he continues as follows:

"In clearing the captured ships of prisoners, I found so many wounded men, that, to alleviate human misery as much as was in my power, I sent to the marquis de Solano, governor-general of Andalusia, to offer him the wounded to the care of their country, on receipts being given: a proposal which was received with the greatest thankfulness, not only by the governor, but the whole country resounds with expressions of gratitude. Two French frigates were sent out to receive them, with a proper officer to give receipts, bringing with them all the English who had been wrecked in several of the ships, and an offer from the marquis de Solano of the use of their hospitals for our wounded, pledging the honour of Spain for their being carefully attended.

"I have ordered (adds he) most of the Spanish prisoners to be

released; the officers on parole, the men for recipts given, and a condition that they do not serve in war, by sea or land, until exchanged."*

Meanwhile the English commander took admiral Villeneuve into his own ship; and having learned that vice-admiral D'Alava was not dead, he reclaimed him as a prisoner, by means of the following letter:

"SIR, Euryalus, off Cadiz, Oct. 30, 1805.

"It is with great pleasure that I have heard the wound you re-

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* Extract of a private letter from vice-admiral lord Collingwood, dated on board the "Queen," November 2, 1805.

"To alleviate the miseries of the wounded as much as in my power, I sent a flag to the marquis of Solana, governor of Cadiz, to offer him his wounded. Nothing can exceed the gratitude expressed by him for this act of humanity.

"All this part of Spain is in an uproar of praise and thankfulness to the English. Solana sent me a present of wines; and we have free intercourse with the shore.

"Judge of the footing we are on, when I tell you he offered me his hospitals, and pledged the Spanish honour for the care and cure of our wounded men. Our officers and men, who were wrecked in some of the prize ships, were received like divinities; all the country went to the beach to receive them: the priests and women distributing wine, and bread, and fruit among them. The soldiers were sent out of their barracks to make room for them; whilst their allies, the French, were left to provide for themselves, with a guard over them to prevent their doing mischief.

"Don Argumosa, who was formerly captain of the St. Isidro (taken the 14th of February, 1797), commanded the Monarca, one of our captures. He sent to inform me he was in the Leviathan; and I immediately ordered, for our old acquaintance sake, his liberty on parole. All the Spaniards speak of us in terms of adoration."

ceived in the action is in a hopeful way of recovery; and that your country may still have the benefit of your future service."

"But, sir, you surrendered yourself to me; and it was in consideration only of the state of your wound that you were not removed into my ship. I could not disturb the repose of a man supposed to be in his last moments; but your sword, the emblem of your service, was delivered to me by your captain; and I expect that you consider yourself a prisoner of war until you shall be regularly exchanged by cartel.

"I have the honour to be, &c.

C. COLLINGWOOD."

"To vice-admiral don Ignatio Maria D'Alava.

Sent under cover to admiral Gravina."

No sooner did intelligence arrive of the victory off Trafalgar, and the death of Nelson, than the nation experienced a mixed sensation of joy and grief; so that while the achievements of the hero called forth bursts of applause, his fall was lamented with a multitude of tears. He was afterwards buried at the public expence, with unexampled, but well earned, honours, and his family provided for nobly. Their country was not ungrateful to the survivors. The thanks of both houses of parliament were immediately voted, and payment has since been ordered, for all the ships unavoidably destroyed after the engagement, so as to produce a large sum of prize-money to the captors.

In the mean time the second in command was created, by letters patent, dated November 20, 1805, baron Collingwood, of Caldborne and Hethpole, both in the county of Northumberland. Soon after this a pension of two thousand pounds a year was voted him by parliament; and so obscure a

man was he, and so little was known about his family, at this period, that the annuity was continued to his two next heirs *male*; but when it was discovered that he had only heirs *female*, the donative was altered into a provision for lady Collingwood of one thousand pounds per annum, and five hundred pounds for each of their daughters.

Lord Collingwood was also confirmed in the command of the Mediterranean fleet, to which he succeeded by seniority; and, in the opinion of a good judge of naval merit,* he wants only an opportunity to prove himself another Nelson.

The subject of this article, now a vice-admiral of the blue, has been married for many years. Lady Collingwood, whose name is Patience, was a daughter and coheir of the late John Erasmus Blackett, esq. alderman of Newcastle, and a younger brother of sir Edward Blackett, bart.†

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* Admiral viscount Hood.

† Admiral lord Collingwood was made a lieutenant June 17, 1775; a master and commander in June, 1779; a post-captain March 22, 1780; a rear-admiral of the blue February 14, 1799; a vice-admiral of the blue in 1804; and a vice-admiral of the white, 1805.

He commands on board the Ocean of 98 guns, with R. Thomas for his captain.

N. B. It would appear from the above statement that this nobleman either went to sea late in life, or remained many years a midshipman; for he was twenty-five years of age when nominated a lieutenant.

It has been asserted that he was originally brought up in the merchant service; but with what degree of truth we are unable at present to decide.

HIS EXCELLENCY

JAMES MONROE,

MINISTER PLENIPOTENTIARY FROM THE UNITED STATES OF AMERICA TO THE COURT OF ST. JAMES'S.

THE history of America already displays a variety of extraordinary incidents. Her career of empire has been short; but it is, nevertheless, surprising. It is but the other day that the country, which now passes by that name, to adopt the language of the first settlers, was a "howling wilderness." That extraordinary man, general Oglethorpe, after planting a colony on the southern shore, lived long enough to witness the independance of Georgia, as one of the thirteen states. Even in the cradle, the inhabitants of the Transatlantic continent displayed a gigantic strength; and what is to be the future fate of a country that doubles its population within the space of eighteen, or twenty, years, baffles all conjecture!

Luckily for America all her great men have cultivated peace; and in this single point the whigs and tories, the federalists and the republicans, have at least united their endeavours.

Washington, during his life, took the most particular care that the hostilities of Europe should not disturb the tranquillity of his native shores. It was supposed by some that the presidentship of Jefferson would exhibit a change of measures. But we now behold him, like his great precursor, negociat-

ing instead of fighting; and nominating plenipotentiaries for the adjustment of differences, instead of recurring to the sword.

James Monroe, minister plenipotentiary from the United States to the court of London, is a native of Virginia, and now about fifty years of age. He was educated at the college of Williamsburgh, in that province; and was bred to the law. We have understood that his studies, preparatory to that profession, were directed by Mr. Jefferson, now president of the federal empire The pupil has not been wanting in either gratitude or attachment to his preceptor; who, on his part, has never ceased to honour him with his particular friendship.

Mr. Monroe had by inheritance but a very moderate fortune; and it seemed necessary, if he would arrive at independance in this respect, that he should adhere to his professional avocations, and pursue them with assiduity. But he was destined to more brilliant, although less lucrative, pursuits. He was early brought into public life, where his services, in a variety of employments, have proved so satisfactory to his fellow-citizens, as to leave him but short and sudden intervals to manage his private concerns.

Soon after he had attained the age of twenty-one he was sent to congress, which situation he afterwards resigned for a commission in the army. This was during the contest with Britain. But coming rather late into the military line, and that too after the period of rapid promotion had passed

away, he rose only to the rank of colonel during the war. He is allowed to have served with honour and reputation; but we do not find any actions of great eclat in which his name appears among the martial scenes of the revolution.

When peace had put an end to this employment, he returned to his first profession at the bar. But he was almost immediately delegated again to congress; and his election to this body was annually repeated, nearly without an interval, during the space of ten years. While congress was sitting at New York, in 1785, he formed a matrimonial connection with a beautiful young lady, his present wife; the graces of whose person and conversation have been much noticed both at the French and English courts.

In the year 1794 Mr. Monroe was sent in quality of minister to the government of France. This was a critical and very serious moment in the reciprocal relations between America and the belligerent powers of Europe. Not only the situation of our own affairs with the United States had assumed a "troublous aspect," but the harmony between that country and France was likely to be interrupted; jealousies and recriminations were frequent, and began to be alarming on the part of what they *called* the "two republics."

Mr. Jay was sent to England to remonstrate against the infringements of neutral rights, of which his country complained; and his mission terminated in a treaty of amity and commerce, which has had

the effect to restore a good understanding between the two nations, equally beneficial to both. If the negociations of Mr. Monroe in France were not followed by effects equally permanent and satisfactory, the fault is not to be attributed to him; but rather to the perpetual change of persons, as well as the injustice and rapacity of the government with which he had to treat.

After two years residence at Paris, Mr. Monroe was accused by the Washington administration of being too complaisant to the overbearing temper of the French directory; and he was recalled with a high degree of censure. He returned home in 1797; and it was on this occasion that he demanded of the secretary of state a written declaration of the motives of that recal.

By this time the two parties, which have divided the leading men in America, began to be clamorous against each other. Washington had placed himself at the head of the federal, or tory, party; Monroe was an inflexible republican: and he was determined to take this opportunity to expose the conduct of his opponents, and endeavour to turn the tide of popularity from a set of men, and a system of opinions, which he and his friends believed to be dangerous to the republican institutions of their country, as well as tending to introduce aristocracy and despotism. To lay his own conduct, and that of the administration, before the public, he printed the whole of his correspondence while in France, with about a hundred pages of preliminary observations. The

pamphlet, when republished in this country, was stript of the preliminary observations; and it appears with nothing but the naked correspondence.

It seems that this vindication of the ex-ambassador was well received by his fellow-citizens at large, the great tribunal to which he appealed; and that in his own state (Virginia), at least, he may be said to have gained his cause completely against Washington and his secretary. The election for governor in that state coming on soon after, he was elected to that office by a great majority. This event, if not a complete triumph over his opponents, was certainly a flattering testimony of approbation from that portion of the people of America which best knew the man. He was continued in the office of governor by re-elections for three years. This, by the constitution of that state, is the longest term that the same person can be eligible to that office till after an interval of three other years.

It so happened that about the time this term of service, as governor of Virginia, expired, the dispute with Spain concerning the navigation of the Mississippi began to agitate the minds of the Americans, as we have noticed in our biographical sketch of Mr. Livingston. Governor Monroe was accordingly commissioned to join that gentleman in Paris, as it was now understood that the colony of Louisiana had been ceded by Spain to France. The negociation to which he was deputed, in concert with the minister to France, was brought to a ter-

mination extremely fortunate for the interests of the United States, and has added very much to the popularity of the two agents who conducted it.

Soon after the conclusion of this business, Mr. Monroe received a new diplomatic appointment, which we hope will not be less satisfactory to himself, and beneficial to all parties, than the last that has been mentioned; it is the mission that has placed him at our court. But his residence has received a temporary interruption, which we are assured, however, will not be of long continuance. He is now gone to Madrid, on a special embassy from his government, for a particular and momentary object; after which he is to return and resume his functions here.

P. S. Since the above was written Mr. Monroe has returned from Spain: and Mr. Pinckney, who has lately arrived from America, is now joined with him, in a commission for settling all differences between Great Britain and that country.

THE REV. CHRISTOPHER WYVILL,

LATE CHAIRMAN OF THE COMMITTEE OF ASSOCIATION OF THE COUNTY OF YORK.

OUR political constitution, which, according to Blackstone, came with our ancestors from the woods of Germany, has long afforded a theme for wonder and for praise. Our poets and our historians, our moralists and our divines, have all united in its commendation; and the majesty of the rude,

but sublime, Saxon arch, still attracts the gaze and the admiration of every attentive observer. Like other ancient buildings it has, indeed, been pieced and patched; and like them too, it has been frequently disfigured instead of being amended. The foundations, however, are still sound; the keystone is firm, and, in the opinion of some, it wants but a careful architect to remove the rubbish accumulated in the course of a long series of years; in short, by replacing the mouldering ruins with sound materials, in conformity to the ancient plan, it seems possible to restore the whole to its pristine beauty, as well as usefulness.

The subject of this memoir, who has been uniformly of that opinion, is descended from an ancient equestrian family in the county of York. His father being a younger brother, and, like most younger children, but badly provided for, he accepted a place in the customs; and in this capacity resided for many years at Edinburgh.

As his son was intended for the church, he received a most excellent education; and was afterwards sent to one of the universities, where he completed his studies, both as a scholar and a divine.

Black Notley, in Essex, a place distinguished on account of the birth of the eminent William Beedle, bishop of Kilmore, was his first preferment, we believe; and this he retained during some years.

But at length having married the half-sister of sir Marmaduke Wyvill, his cousin, he adopted that name; and on the demise of the baronet, in conse-

quence of a consumption, he came into the possession of a large fortune, partly in the county of York, and partly in Kent. Immediately on his accession to the estate in question, Mr. Wyvill finished the elegant house at Burton, which his predecessor sir Marmaduke had commenced, and then presented himself to one of his own livings.

Soon after this period the eyes of the nation became suddenly open to certain grievances, which indeed existed before, but in a small degree only, and never therefore had exhibited such a flagrant and sinistrous aspect. The American war, both in its principles and its consequences, produced a general coincidence of opinions in respect to public abuses; and as it was *then* generally believed that a systematical corruption prevailed in the administration of public affairs, the voice of all the thinking and independant portion of the nation was loud in favour of a redress of grievances.

That this did not proceed from the clamour of a beggarly faction, or the arts of disappointed ambition, will be easily perceived by merely recurring to the history of that day; and that it was not urged by desperate and dangerous men must be conceded by every liberal man who looks to the list of reformers.

In every part of the kingdom associations for producing a more equal representation of the people in parliament took place. In Westminster the late secretary for foreign affairs, together with the present secretary at war, sat in a convention expressly con-

vened *ad hoc*; and that, too, in company with the late premier.* The duke of Portland, who has been since president of the council, acted as chairman of the committee of correspondence for the county of Nottingham, while his brother, lord Edward Bentinck, then one of its knights of the shire, was delegated to assist at the convention of deputies from the petitioning counties, cities, and boroughs, who wished for a melioration of the representation.

In 1780 major Cartwright, with the assistance of Dr. John Jebb, and Capel Lofft, esq. instituted the Society for Constitutional Information, for the furtherance of the same purpose; and it soon consisted of the following members, many of whom then, as now, were not less distinguished for their rank and fortune than their talents:

PEERS, &c.

Duke of Norfolk, earl marshal, and hereditary marshal, of England, &c.

Duke of Richmond, afterwards master-general of the ordnance, &c.

Earl of Derby, now chancellor of the duchy of Lancaster.

Earl of Selkirk.

Lord Kinnaird.

Lord Sempell.

Lord Daer.

* The right honourable William Pitt.

BARONETS; &c.

Sir James Innes Norcliffe, now claimant for the title and estates of the late duke of Roxburgh.

Sir John Carter, baronet.

Sir William Plomer, knight.

Sir Bernard Turner, knight.

Mr. serjeant Bond.

MEMBERS OF PARLIAMENT.

Sir Cecil Wray, baronet.

Sir John Sinclair, baronet, now president of the board of agriculture.

Sir Watkin Lewes, knight.

Richard Brinsley Sheridan, esq. now treasurer of the navy.

William Plumer, esq.

R. S. Milns, esq.

William Middleton, esq.

Jervoise C. Jervoise, esq.

Joshua Grigsby, esq.

Right honourable Richard Fitzpatrick, now secretary at war.

Philip Delaney, esq.

MEN OF LETTERS, &c.

Sir William Jones, afterwards his majesty's chief-justice of Bengal.

Thomas Day, esq. author of Sandford and Merton.

Capel Lofft, esq. who has since patronised the Bloomfields.

Stratford Canning, esq. father of the right honourable George Canning.

John Horne Tooke, esq. author of the Diversions of Purley.

The reverend Dr. Towers, one of the writers in the Biographia Britannica, &c.

Dr. Kentish.

Dr. Price, author of several sermons, and a work on political arithmetic.

Dr. John Jebb.

Dr. Brocklesby.

MAGISTRATES.

John Sawbridge, alderman, and M. P.

—— Hayley, alderman, and M. P.

—— Crosby, alderman, and M. P.

—— Townshend, alderman, and M. P.

—— Kirkman, alderman, and M. P.

Since that period another society, called "the Friends of the People," was instituted for the same purpose. It consisted of thirty-five members of parliament, besides a very respectable number of private gentlemen: viscount Howick, now secretary of state, was chairman; and sir James Mackintosh, at present recorder of Bombay, drew up many of its papers for publication.

At the time to which we allude (1779) the county of York, deeming its number of representatives by no means correspondent to its population and extent, stood foremost in the attempt to reform

what was considered as a common grievance.* On this occasion Mr. Wyvill, on account of his character, his fortune, and his talents, was selected for chairman of the committee of association. So great indeed was his reputation, that when the general convention of counties, cities, and towns, assembled at the St Alban's tavern, in 1780, he was called upon to preside there also; and Mr. William Pitt, whose bosom then flamed with all the ardour of youthful patriotism, assisted, together with many other distinguished persons, at the deliberations. Sir William Jones, a name that must always be looked up to with respect, observed, "that the declaration of rights, circulated on this occasion, ought to be written in letters of gold."

At length Mr. Pitt, the champion of reform, from being an individual member of opposition, suddenly became minister. Much was expected from him; and he solemnly promised to the subject of this article, "that he would use all his influence, both as a minister and a man," to achieve the great object of his wishes. At first, while his

* This populous and extensive county has always evinced a spirited and uniform attachment to whig principles. The nobility, clergy, and gentry, assembled in the year 1745, and entered into an association for the defence of the government against the partizans of divine, indefeasible, hereditary right. In 1769 the freeholders of Yorkshire withstood the usurpations of the house of commons, in the case of Mr. Wilkes and the Middlesex election; and ten years after (1779) contended for a reformation of the house of commons itself.

power was uncertain, and the coalition-ministry, now become the coalition-opposition, remained strong and powerful in parliament, he balanced their influence by means of the popular favour. To conciliate this he drew up the heads of a bill for vesting a large sum of money, to be employed for purchasing thirty-six *rotten* boroughs, for the express purpose of augmenting the number of the representatives of the counties and the metropolis; and conferring on the towns of Manchester, Sheffield, and Leeds, the right of sending members. Here follows the plan alluded to:

"The sum of one million out of the supplies granted to his majesty this session of parliament, to be vested in certain persons to be named in the bill, to be applied, together with the interest which may accumulate thereon, to the purposes and in the manner specified in the bill.

"If any electors of any borough not containing above four hundred houses, shall petition the house of commons, stating their willingness to surrender the right of electing representatives in any future parliaments, on receiving a compensation for the extinction of such franchise: the said petition to be referred within a time to be named to a committee of persons to be chosen in the same manner as the committee under Mr. Grenville's bill, who shall proceed to consider the matter of the said petition, and shall hear evidence touching the right of all persons claiming to vote for the election of members for such place, and their willingness or unwillingness to surrender such rights for the future, and shall report to the house of commons what proportion of such electors are consenting to such petition, and willing to accept the compensation to be fixed in the manner hereafter directed.

"If two-thirds of the electors are willing to surrender their rights, the committee to proceed to fix the proportion and manner in which the whole sum, to be allowed by way of compensation,

shall be applied and distributed among the persons interested in such franchise.

" If the committee shall report that two-thirds of the persons who, in their judgment, have the right of choosing representatives for such place, are consenting to such petition, and willing to accept the compensation, such place to be *ipso facto* disabled from sending members to parliament from and after the end of the present parliament (if such report shall be made during the present parliament); or from and after the time of such report being received, if the same shall be in the next, or any subsequent, parliament; and, in the latter case, the members sitting for the same shall, *ipso facto*, vacate their seats.

" A sum equal to the principal and interest which shall have occurred thereupon of part of the whole sum directed to be vested as aforesaid, to be paid and distributed to such person or persons as shall be named in the report of the committee, and to be applied and distributed to such person or persons as shall be named in the report of the committee, and to be applied and distributed in such proportions as shall be therein recommended.

" Addition to be made of members in the proportion, order, and manner directed, to the following counties.

" On the extinction of any borough, the addition to be made in the order fixed in the schedule annexed to the county or district therein specified; and the name of such place as it becomes entitled thereto, to be certified by the speaker of the house of commons to the clerk of the crown during the continuance of the present parliament, in order that on the calling of the next, and every subsequent, parliament, a writ should be issued to such county or district, instead of the precept to the borough, on the extinction of which it becomes so entitled; or if during the next, or any subsequent, parliament, then the speaker to issue his warrant to the clerk of the crown for forthwith making out a writ for an additional member to be chosen for such county or district, in the manner herein directed.

" Counties to be subdivided, where necessary, into smaller districts.

" Copy holders of forty shillings per annum to be admitted to

vote in county-elections. Leaseholders where a certain term of the lease is unexpired.

"Different places of polling to be appointed in convenient parts of each county or district.

"After the number of boroughs, before specified, has been extinguished, and their rights transferred to counties, any remaining boroughs to be in like manner disfranchised on petition, in case a sum of shall have been set apart by parliament for that purpose; and in case there shall then remain any town unrepresented of above houses, the right of election to be transferred to the town which shall appear to have the greatest number of houses, according to the return from the tax-office.

"If the majority of electors in any borough are proved guilty of corrupt practices at any election, the said borough to be disfranchised, and the right of electing members to be transferred to such county or counties as stand next in order, while there remain any to which the addition has not been made.

"Q. As to paying taxes. Right of election in new boroughs, to be in householders assessed a certain sum."

On the 18th of April, 1785, the minister brought in a bill of reform founded on this basis, the result of which is well known; and it is not a little remarkable that there are but two grand projects in the whole course of a long public life in which he failed: the one is a reform in parliament, and the other an abolition of the slave-trade!

Although convinced of the utility, and even necessity, of their plan, the popular agents declined, for some years, to press the subject on parliament, still fully confiding in the support of the premier, whenever a proper and reasonable opportunity might occur. Meanwhile some began to view Mr. Pitt with distrust; while others abandoned the temperate plan which had been proposed by him, for the sinistrous

principle of universal suffrage, advocated by the duke of Richmond. At length time tore off the mask; and when Mr. Wyvill addressed an expostulatory letter to the minister, in the beginning of 1793, he was not even honoured with an answer.

On this he printed an address to that gentleman, in which he intimated his design of preparing for the press a collection of political papers, relative to the subject of parliamentary reform; which has since been completed in six volumes octavo.

After adverting to the outlines of the bill formerly submitted to him by Mr. Pitt, he continues as follows:

"The resolutions which were then passed by the popular assemblies on the very defective state of our representation, contained principles on which a moderate, but substantial, reformation might have been effected; and when you generously undertook to offer to parliament such a temperate plan as the sense of the people, as far as it had been previously declared, seemed to point to, it had been very happy for the public, and not less so for our hereditary rulers, if that plan had not been rejected by the united opposition of their respective partizans. By the regulations alluded to, the great majority of those persons who had complained to parliament of gross abuses in the representation, would have been completely gratified, because the regulations were, in fact, their own propositions improved by various modifications, which your superior judgment had suggested.

"Already your regulations, if then adopted, would have operated nearly to the full extent proposed; and would have amputated, in the easiest manner, at the option of the persons concerned, many of the smallest, most venal, or most dependant, boroughs, and transferred in an adequate degree, and in due proportion, their surrendered franchises to the great communities of the kingdom, the metropolis, the counties, and the great unrepresented towns.

"This was a mild, a moderate, and yet an effectual, system of reformation; not sufficiently extensive, perhaps, in the proposed communication of the right of suffrage, but capable of receiving that extension hereafter, without the least derangement of the system thus improved, by admitting decent householders to vote for county members; in the mean time securing a very important improvement in the representation of the people; and yet not only avoiding the hazard of a revolution at that moment, but preventing almost the possibility of such a fearful event in every future period of time."

Here follows, at one view, the *intended* state of the representation, according to Mr. Pitt's plan, together with an extension of it to Scotland, as proposed by Mr. Wyvill in 1793.

Counties.	Number of county members added.	Number of member to each county.
Bedfordshire	1	3
Berkshire	1	3
Buckinghamshire	1	3
Cambridgeshire	1	3
Cheshire	1	3
Cornwall	1	3
Cumberland	1	3
Derbyshire	1	3
Devonshire	3	5
Dorsetshire	1	3
Durham	1	3
Essex	2	4
Gloucestershire	2	4
Hampshire	2	4
Herefordshire	1	3
Hertfordshire	1	3
Huntingdonshire	0	2
Kent	3	5
Lancashire	3	5

Counties.	Number of county members added.	Number of members to each county.
Leicestershire	2	4
Middlesex	3	5
Monmouthshire	0	2
Norfolk	3	5
Northumberland	2	4
Nottinghamshire	1	3
Northamptonshire	2	4
Oxfordshire	1	3
Rutlandshire	0	2
Shropshire	2	4
Somersetshire	2	4
Staffordshire	2	4
Suffolk	2	4
Sussex	1	3
Surry	2	4
Warwickshire	2	4
Westmoreland	0	2
Wiltshire	2	4
Worcestershire	1	3
	West Riding 4	
	North Riding 3	9
	East Riding 2	
Yorkshire	7	
Total	67	147

Members *added* to the metropolis.

Marybone, Pancras, &c.	2
Westminster	2
Southwark	1
	5

Members *granted to four great* unrepresented towns.

Birmingham	2
Manchester	2
Sheffield	2
Leeds	2
	8

Members to be chosen by *popular election* in ten cities and towns, at present deprived of that right by their respective corporations.

Bath	2
Buckingham	2
Bury	2
Tiverton	2
Scarborough	2
Portsmouth	2
Salisbury	2
Winchester	2
Dartmouth	2
Plymouth	2
	20

RECAPITULATION.	Members.
Total addition to England for counties	67
To the metropolis	5
To the great unrepresented towns	8
Addition by popular elections in ten cities and towns, at present deprived of that privilege by their respective corporations	20
Total addition to the popular representation	100

"For which would be wanted the abolition of forty rotten boroughs, &c. to avoid increasing the number of the house of commons. To this great advantage it was proposed to add another of no small importance, by augmenting the constituent body, nearly with the addition of one hundred thousand voters; to be effected by imparting the right of voting to copyholders, to certain unrepresented freeholders, and also to decent householders in the metropolis, in four great unrepresented towns, and in ten cities and towns in which the right of election was intended to be thrown open. If this plan had been accepted by parliament, means had been thought of for gradually weeding out all the little boroughs not containing four hundred houses."

In the additional propositions suggested by Mr. Wyvill, in 1793, that gentleman proposes to ex-

tend the above plan to the people of Scotland, in such a manner as to remove that degrading exception by which six of the counties of North Britain are reduced to alternate representation; and to place Edinburgh, and other principal cities, in respect to their representative importance, on an equality with the great towns of England. He also proposes the extension of the right of suffrage to all *decent* householders throughout Great Britain. By these regulations the following counties of Scotland would receive an addition of three members; so that each of those counties would be constantly represented by one member:

"Counties.	County members.	Addition.	Number of county members in Scotland.
Caithnessshire	1		
Cromartyshire	1		
Kinrossshire	1		
Butesshire	1	3	33
Clackmannanshire	1		
Nairnshire	1		
Other counties	27		

"The following cities and towns of Scotland would receive an addition of seven members.

Cities and towns.	Members added to cities & towns.	Total addition.	Total numb. of memb. for cit. & tow. in Scot.
Edinburgh	1		
Glasgow	2		
Aberdeen	2	7	
Dundee	1		
Paisley	1		
Present number of members for cities and towns	15		22
Total representation of Scotland			55

"The elections, which at present are confined to a few members of a corporation, in each of the following towns of England, by these regulations, would become popular elections, viz.

Marlborough Launceston Poole Thetford	Addition of constitutional members by popular elections in four towns in England	8

"By these regulations, also, the body of constituents in England, on any reasonable definition of the persons meant by 'decent householders,' would receive an addition probably not short of one hundred and fifty thousand voters. The same regulations adding to the present electors in Scotland, freeholders and copyholders of forty shillings value, and decent householders, would probably increase the constituent body there by an augmentation of nearly one hundred thousand voters. The total augmentation of voters by these regulations throughout Great Britain, would be nearly two hundred and fifty thousand *additional voters*.

"JOINT RECAPITULATION.

"By Mr. Pitt's plan, enlarged in the manner here stated:

	C. memb.
The representation of the counties of England would be increased to	147
That of Wales would remain	12
That of Scotland would be increased to	33
Total county representation of Great Britain would be	192

	Memb. for cit. and towns of England.
The representation of the cities and towns of England would be diminished by the abolition of forty of the most obnoxious boroughs by voluntary surrender; but that of the towns in Wales would remain the same; and the right of being represented by eight members would be granted to four unrepresented towns: and the right of being represented by five members would be granted to certain districts of the metropolis of England; the representation of the cities and towns of England and Wales would therefore be	354

	Memb. for cit. and towns of England.
That of the cities and towns of Scotland would be increased to	22
The total representation of the cities and towns would be	376

	Mem. for Gr. Br
"The total representation of the counties, cities, and towns of Great Britain, by adding ten members to Scotland, would be	568

"Or if diminishing the relative proportion of the English representation to that of Scotland should be thought less objectionable than adding to the present number of the house of commons, the inconvenience might be avoided by the farther abolition of five obnoxious boroughs, by voluntary surrender, to be obtained by purchase, as was proposed by Mr. Pitt."

To secure the execution of this enlarged plan, it is proposed, that the regulation for granting ten members to the districts of Marybone and Pancras, Birmingham, Manchester, Sheffield, and Leeds; and also three to the six counties of Scotland which are under alternate representation; and seven to Edinburgh, Glasgow, Aberdeen, Dundee, and Paisley, should take place at the next general election; and that a list of all the counties of England, reckoning each of the ridings of Yorkshire as a county, should be formed by lot; and when any borough shall have surrendered its franchise, the share of representation so surrendered shall be transferred to the county or riding, the name of which may stand first upon the list. The city of Westminster, and the borough of Southwark, might either be classed in this list, in the same manner as the counties, or

be placed at the end of it. It is further suggested, that the sum of one hundred thousand pounds ought to be added to the sum of one million originally proposed, and the whole set apart for the purchase of "obnoxious boroughs." After the expenditure of this sum, in procuring the surrender of the first forty, then another sum, not exceeding one hundred thousand pounds, would be sufficient gradually to *weed out* the remainder.

In 1792 Mr. Wyvill published a pamphlet, entitled "A Defence of Dr. Price and the Reformers of England;" in which, while he differs with that learned divine in the true spirit of christian meekness, relative to ecclesiastical establishments, he at the same time contends for the repeal of the test and corporation acts. He also seizes that occasion to vindicate all those who contended for a temperate reform.

We shall here transcribe the characters of three celebrated men of that day, as described by the author:

"Dr. Price, though perfectly disinterested, was not an enthusiastic politician; though active and public-spirited, he was cool and rational; though strongly attached to liberty, he was prudent and cautious to avoid unnecessary danger, not to himself, but to the public. When he considered the state of England, he beheld an excellent constitution disgraced by corruptions of every sort; but he saw, too, that something more was left to the people than the bare right *to petition the legislature;* that the mass of the community was yet untainted by corruption, and zealous for liberty; that in many districts the just power of the constituent body to controul their representatives, was still preserved entire:

while some of the peers, and many even of those members of the house of commons, whose title to sit in that assembly is unconstitutional, displayed a generous zeal to destroy abuse and usurpation, and restore to the people their ancient constitutional right.

"In these circumstances he saw, with other friends to reformation, no reason to despair that a restoration of our ancient right of a full and fair representation, with triennial, or even annual, elections, might be gradually recovered for the nation by legal and pacific means. As on the one hand, therefore, he scorned meanly to cheat his countrymen by adulating their prejudices, concealing the faults and abuses of the constitution, and endeavouring to lull them into a false security that would have been fatal to their freedom; so, on the other hand, perceiving that no necessity for great hazards existed; that the alternative offered to us was, not what was presented to the French and American nations, whether slavery or a new constitution was to be chosen; but whether a civil war, for the chance of a republic, was to be preferred to the gradual melioration of our mixed form of government by peaceful means; he wisely preferred safe and progressive improvement to the doubtful event of great, but hazardous, revolution.

"Thomas Paine is unlearned, but nature has given him a strong, but coarse, understanding, with much originality of thought, and energy of expression. He is fitted by nature to be a democratic leader; and early prejudice, habit, and a variety of accidental circumstances, confirmed the original tendency of his mind.

"Edmund Burke has had the advantage of a learned education: his genius is showy, but not solid; copious, but not correct. His judgment is inferior to that of many of his contemporaries; but he unites industry with wit, humour, and a brilliant, though disordered, imagination: his elocution is rapid, and well adapted to the sportive or impetuous style of oratory in which he excels; but he is seldom argumentative, and more seldom convincing. Had literature been his professional pursuit, he might have shone through many a volume, a splendid and superficial rhetorician, decked in the ornaments of a glittering eloquence, and proud of his tinsel.

"For philosophical research his faculties are less fit; and in the more abstruse sciences he probably never could have discovered one important truth: but, like Fontenelle, he might have explained what others had invented; and might have embellished the system of Newton with wit, pathos, and all the tinkling trappings of his metaphorical style. But he was doomed to be a politician; and the pride of genius and learning fitted him to be an aristocrat. Early connection with an honoured nobleman confirmed this natural and acquired tendency: he was at first his dependant; then freed from that servitude by his noble patron's munificence; at his death he became the counsellor and confidential guide of an alarmed aristocracy. At the period alluded to, the popular societies for reform had received a rapid increase; the grateful zealots of aristocracy trembled with rage and fear at the approaching ruin of their usurpations. But one great effort to save them must be made; and, fortunately for his purpose, the excesses of the French revolution held out a consoling hope that the system of abuses might be prolonged, perhaps perpetuated."

Mr. Wyvill, although best known in a political point of view, has not been inattentive to his own immediate profession. He is the author of a pamphlet, entitled "Thoughts on the Articles of our Religion;" and has published "A Visitation Sermon, preached at Kelvedon, in 1772." He also, in 1785, made a most judicious proposition for the improvement of certain sums vested in the governors of queen Anne's bounty, the total accumulation of which, appropriated and unappropriated, at that period, was estimated at five hundred thousand pounds.

Had this been then laid out, according to his plan, in the three per cents, it would have afforded an immediate increase of fifteen pounds a year, to

at least one thousand of the most indigent clergy of the established church. It was his wish that all the benefices in England and Wales, under fifty pounds, should be augmented out of the interest; and that the payment of first-fruits and tenths should be continued only so long as there were any benefices under fifty pounds per annum. He was also an advocate for a corn-render instead of tythes.

Mr. Wyvill has been twice married. His first wife died in London, whither he had brought her for advice; and by his second he has two sons, whom he himself accompanied from the North, in the course of last winter, and soon after placed at Eton.

SIR JOHN THOMAS DUCKWORTH,

VICE-ADMIRAL OF THE WHITE, AND K. B.

WE have scarcely ever presented the public with the memoirs of a sea-officer, without introducing an eulogium on the navy of Great Britain, at once the bulwark and the ornament of our country. It is to this, indeed, that we are indebted for that proud pre-eminence, which enables our little island to preserve its independance during the wreck of Europe; and, like Mount Atlas, remain erect amidst the war of elements:

> "Though storms and tempests thunder on its brow,
> And Ocean breaks his billows at its feet,
> It stands unmoved, and glories in its height."

The subject of this memoir is a native of Devonshire. That maritime county, partly on account of

its extensive line of sea-coast, and partly from its noble harbour at Plymouth, and the adjoining dock-yards, which exhibit a constant succession of men of war, has become a nursery of naval officers. His family, too, is of that class of society whose sons are often bred in the service, and have been generally found to make good sea-officers; and to which indeed we are indebted for a Hood, a Bridport, and a Nelson. His father was a respectable clergyman, but his living was not very productive; he, however, continued to live in a very reputable manner; and, by means of a strict economy, was enabled to educate his son, and fit him for sea.

We are unacquainted with the name of the captain under whom sir John Duckworth first sailed: he served in the Diamond, then commanded by captain Fielding, at a very early period; he afterwards went on board the Princess Royal, of ninety-eight guns, as a lieutenant, March 15, 1779. She was then the flag-ship of vice-admiral Byron; and he was present during the action with count D'Estaing, off the Grenades.* On this occasion a

* On this occasion the enemy consisted of twenty-six sail of the line, nine frigates, and three cutters. The engagement lasted from ten o'clock in the morning until eight at night. The following is a list of the British fleet:

LINE OF BATTLE OFF GRENADA.

Ships.	*Guns.*	*Commanders.*
1. Princess Royal, of	98	Hon. admiral Byron. Captain Blair.

piece of a black* man's skull was actually forced by a cannon-ball against the breast of the young lieutenant, while all his clothes were literally covered with the brains. A few months after this† he was made master and commander, in consequence of his appointment to the Rover. While in that station he was accustomed to cruize off Martinique, and look into Fort Royal harbour every day; but he re-

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Ships.	*Guns.*	*Commanders.*
2. Albion	74	Captain George Boyer.
3. Prince of Wales	74	Admiral Barrington. Captain Hill.
4. Medway	60	—— Wm. Affleck.
5. Suffolk	74	Admiral Rowley. Captain T. C. Christian.
6. Conqueror	74	Admiral Parker. Captain Harmmood.
7. Magnificent	74	—— Elphinston.
8. Boyne	74	—— Sawyer.
9. Sultan	74	—— Gardner.
10. Grafton (much damaged)	74	—— Collingwood.
11. Lyon (lost all her masts)	64	—— Cornwallis.
12. Cornwall	74	—— T. Edwards.
13. Fame	74	—— Beuchart.
14. Vigilant	64	—— D. Dent.
15. Trident	64	—— Molloy.
16. Royal Oak	74	—— Fitzherbert.
17. Elizabeth	74	—— Maitland.
18. Yarmouth	64	—— Bateman.
19. Stirling Castle	64	—— Carekett.
20. Monmouth	64	—— Fanshaw.
21. Nonsuch	64	—— Christie.

* The negro was called Peter Allen.

† August 28, 1779.

turned to the Princess Royal, in 1780, as post-captain; and having conducted that ship to Jamaica, he remained there until the month of February, 1781, when he brought home the Grafton, of seventy-four guns, with a convoy.

We are happy to be able to relate an anecdote of Capt. D. at this period, which reflects the highest honour on his humanity. The passage to England was long and tempestuous, the ship was sickly, and there happened to be many invalids on board. In this situation he was accustomed to send his fresh meat and wine to the sick, and to live chiefly on such salted provisions as are usually served out to the men. If any thing else was brought into the cabin, he would not taste it until those on the doctor's list had been first served.

After a peace, which was considered as rather *long* by all those officers who panted for employment, hostilities once more took place with France;* and the first revolutionary war called forth such of our commanders as were noted for their courage and good conduct. On this occasion captain Duckworth found immediate employment; for he was nominated first to the Orion of seventy-four guns, and then to the Queen, which formed part of the Channel fleet, under lord Howe.

During the summer of 1793 that veteran commander was unable to achieve any thing worthy of his reputation, as the enemy either confined them-

* In 1793.

selves to their own ports, or kept out of the way of danger. But the naval campaign of 1794 proved more fortunate. Having left St. Helen's on the 2d of May, the commander in chief issued the following order of battle.

Ships.	*Guns.*	*Commanders.*
1. Cæsar	74	Captain Molloy.
2. Bellerophon	74	Rear-admiral Paisley. Captain William Hope.
3. Leviathan	74	——— lord Hugh Seymour.
4. Russel	74	——— Payne.
5. Marlborough	74	——— hon. G. Berkeley.
6. Royal Sovereign	100	Admiral Graves. Captain Nichols.
7. Audacious	74	——— Parker.
8. Defence	74	——— Gambier.
9. Impregnable	90	Rear-admiral Caldwell. Captain Westcott.
10. Tremendous	74	——— Pigott.
11. Culloden	74	——— Schomberg.
12. Invincible	74	Hon. captain T. Pakenham.
13. Barfleur	98	Rear-admiral Bowyer. Captain Collingwood.
14. Arrogant	74	——— Hawkins Whitaker.
15. Theseus	74	——— Calder.
16. Gibraltar	74	——— Mackenzie.
17. Queen Charlotte	100	Admiral earl Howe. Captain sir R. Curtis, knight. ——— sir A. Douglas, knight.
18. Brunswick	74	——— J. Harvey.
19. Valiant	74	——— Pringle.
20. Queen	74	——— Duckworth.
21. Orion	98	Rear-admiral Gardner. Captain Hutt.
22. Ganges	74	——— Truscott.
23. Ramilies	74	——— H. Harvey.

	Ships.	*Guns.*	*Commanders.*
24.	Bellona	74	Captain Wilson.
25.	Alfred	74	——— Bazely.
26.	Royal George	100	Admiral sir A. Hood, K. B. / Captain Domett.
27.	Montagu	74	——— J. Montagu.
28.	Majestic	74	——— Cotton.
29.	Glory	90	——— Elphinstone.
30.	Hector	74	Rear-admiral Montagu. / Captain Halshed.
31.	Alexander	74	——— Bligh.
32.	Thunderer	74	——— Bertie.

On reaching the Lizard, rear-admiral Montagu, in the Hector, of seventy-four, was detached with a few ships to protect the India convoy; and the Brest squadron being now at sea, the rival fleets descried each other at eight o'clock in the morning of May 28, 1794. During the first day's action nothing very flattering occurred; and on the second, it must fairly be owned, that it was a "drawn battle." But rear-admiral Neuilly, having joined vice-admiral Villaret Joyeuse, with a reinforcement of three sail of the line, and thus enabled the latter to send home his crippled ships, a third, and decisive, action was fought on the 1st of June; on which occasion the French had twenty-six, and the English twenty-five, sail of the line.

It would be needless in this place to recite the minutiæ of a memorable battle, the particulars of which are known to every one. It will be sufficient for our purpose merely to observe, that the Queen, which happened to be the third ship on the larboard division, distinguished herself greatly on this day;

for she bore up astern of the Valiant, and covered her from two of the enemy's line, that were both raking her at the same time. On this occasion she lost her maintopmast, and suffered considerably; but her commander, captain Duckworth, was amply rewarded by the credit he acquired, having been specially named in the official dispatch: "To discharge this part of my public duty," says lord Howe, in his supplementary letter to a former account given by him of the action, "reports were called for, from flag-officers of the fleet, for supplying the defects of my observance, under the limited circumstances above mentioned.

"Those officers, therefore, who have such particular claim to my attention are, the admirals Graves, and sir Alexander Hood; the rear-admirals Bowyer, Gardner, and Paisley: captains lord Hugh Seymour, Pakenham, Berkeley, Gambier, J. Harvey, Payne, Parker, Henry Harvey, Pringle, Duckworth, and Elphinstone.

"Special notice is also due of the captains Nicholls of the Sovereign, and Hope of the Bellerophon, who became charged with, and well conducted those ships, when the wounded flag-officers, under whom they respectively served therein, were no longer able to remain at their posts; and the lieutenants Moncton of the Marlborough, and Donelly of the Montagu, in similar situations. These selections, however, should not be construed to the disadvantage of other commanders, who may have been equally deserving the approbation of the lords commissioners of the admiralty, although I am not enabled to make a particular statement of their merits."

He was one of the eighteen who were reported by the commander in chief to have signalised themselves during this celebrated action with the French fleet, and who were in consequence decorated with

gold chains and medals; those of the admirals to be suspended by a blue and white ribnad round the neck, while the captains were to wear them in the third and fourth button-hole on the left side.

On the 3d of September, 1794, Capt. D. again sailed from St. Helen's, under the command of earl Howe, and continued to cruize off Brest, during the whole winter, without being able to induce the enemy, now ruined and discomfited, to leave their ports. After returning at intervals they once more proceeded to sea, in February, 1795; and having escorted the East and West India convoys, cruized for a considerable time in the Bay.

In 1798 the subject of this memoir, being then in the Mediterranean, on board the Leviathan of seventy-four guns, obtained a separate command from the present lord St. Vincent, with whom he had always lived on terms of great intimacy and friendship. As it was deemed an object of considerable importance to wrest the island of Minorca from the enemy, he procured the command of a small squadron for that purpose, towards the latter end of the year. Having accordingly conveyed a body of land forces, under the orders of the late general Stuart, brother to the marquis of Bute, a landing was effected in the bay of Addaya, by a division of eight hundred men; on which the Spaniards, who had previously evacuated a small battery at the entrance, and spiked the guns, abandoned, and blew up, the works at Fornelles. Nearly at the same time, however, about two thousand of

their troops approached in different directions, and threatened to surround the English detachment; but they were repulsed with some loss on the left, while the guns of the Argo, which was most judiciously stationed, checked a similar attempt on the right flank. This opportunity was immediately seized upon for the debarcation of the remainder of the land-forces, from the transports on board of which they had been placed; and the town of Mahon having been summoned, Fort Charles seized, the lieutenant-governor made prisoner, and the boom which obstructed the entrance of the harbour removed, the Cormorant and Aurora frigates immediately entered.

The general having now learned that the Spaniards were forming an entrenched camp at Cindadella, determined to attack them there; and being supplied with a body of seamen and marines from commodore Duckworth's squadron, he advanced, in two columns, and forced the enemy to withdraw within the walls.

Such, however, was the deficiency of heavy artillery, and of every other article necessary for carrying on a regular siege, that it could not have been taken, had a serious and resolute resistance been determined upon. But two batteries of three twelve-pounders, and three five and a half-inch howitzers, were erected in the course of the following night; and although such light metal was not calculated for the capture of the place, only two eighteen-pounders were fired by the be-

besieged: soon after this the governor entered into a capitulation with the commanders in chief by sea and land, in consequence of which Minorca submitted to the British arms.

On the 14th of February, 1799, the subject of this memoir received his flag; and in 1800* repaired to the Leeward islands, where he arrived in the month of July, and commanded for some time as successor to lord Hugh Seymour. When a new confederacy took place in the North of Europe, under pretence of asserting the freedom of the seas, rear-admiral Duckworth was ordered to seize on the Swedish and Danish islands. A body of land-forces having been collected under the orders of lieutenant-general Trigge, was embarked during the spring of 1801; and the islands of St. Thomas, St. John, St. Martin, St. Bartholomew, and St. Croix, in the West Indies, surrendered without much resistance.† They were afterwards restored,

* Previously to his sailing to assume the command, he had the good fortune to fall in with a Spanish convoy, under the protection of two frigates, which he captured, together with eleven sail of merchantmen. His share of the prize-money was very considerable.

† "Admiralty-office, May 11, 1806.

"Captain Ekins, late of his majesty's ship Amphitrite, arrived last night with dispatches from rear-admiral Duckworth, commander in chief of his majesty's ships and vessels at Barbadoes and the Leeward islands, to Evan Nepean, esq. secretary of the admiralty, of which the following are copies:

"SIR, Leviathan, at Sea, March 27, 1801.

"Having consulted with lieutenant-general Trigge, on the sub-

on the dissolution of the armed neutrality; and the captors, we believe, obtained but little advantage on

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ject of the orders of the lords commissioners of the admiralty, we determined not to wait for the expected reinforcements, but collected the troops that the general thought might be employed with dispatch; and we sailed on the 16th with about fifteen hundred troops, for the purpose of attacking the various islands specified in our orders, the general and myself considering it most judicious to commence with the weathermost one, St. Bartholomew, though by calms and very variable winds we were prevented from getting to Grand Saline Bay (our intended place of landing) till the morning of the 20th; when, having prepared every thing for that purpose, and placed the Andromeda, L'Unité, and Drake brig, to cover it, the general and myself deemed it expedient to prevent delay, by sending brigadier-general Fuller, and captain King, of the Leviathan, with a summons, which, after some little hesitation, was accepted, and the capitulation I transmit entered into.

"I then detached the Andromeda with the Alexandria tender to assist in watching St. Thomas's, when every exertion was used to land a garrison, and form such temporary arrangements as the urgency of the service would admit; all of which were effected by the morning of the 22d.

"We found here two Swedish ships nearly laden with produce of this country, a Danish ship in ballast, besides a variety of small craft, Swedish, and three small French vessels: and I left captain Thomas Harvey, in L'Unité, to co-operate with the commandant of that island; and at ten o'clock A. M. was in the act of weighing, when ten sail were seen from the mast-head; I therefore ordered the Drake brig and L'Eclair schooner to reconnoitre, keeping the wind myself, concluding they were our troops from England, which the general and myself had sent orders to Barbadoes to follow us after landing their sick, with women, and children: this, from light airs, was not ascertained till ten o'clock at night, when they proved as conjectured; and the Proselyte joined in the afternoon of the 24th.

this occasion. The admiral, however, was remunerated in another manner, having been invested with the *insignia* of the order of the bath.

"Upon this accumulation of force, the general and myself, after some deliberation, judged it would be highly injurious to his majesty's service, and render St. Bartholomew very unsafe, if we omitted attacking the island of St. Martin: we therefore (though it was not mentioned in our instructions), prompted by the rectitude of our intentions, decided upon endeavouring to reduce it, and at midnight of the 22d bore away for that purpose; but the unprecedented variableness of the winds prevented our getting there till daylight of the 24th; and on the afternoon of the 23d the Coromandel joined with the second West India regiment, when, having placed captain Fowke in the Proselyte, with the Drake brig, in Cole's Bay, to cover the landing, under the direction of captain Ekins of the Amphitrite (who had been sick at Barbadoes, but joined me in the Proselyte, and handsomely volunteered this service), which commenced at half past eight o'clock; and with his judicious arrangements, the second brigade, of near fifteen hundred men, under brigadier-general Maitland, were on shore with their field-pieces, and one hundred seamen, by eleven o'clock, as was the first brigade of eighteen hundred, under brigadier-general Fuller, by two o'clock, with their field-pieces, and one hundred seamen. The second brigade directly proceeded on to take the heights in the approach to the town of Philipsburgh, which was quickly effected, though not without some smart skirmishing, which afterwards brought on a short action, in which some companies of the sixty-fourth, under lieutenant-colonel Pakenham, and two companies of the eighth West India regiment, displayed great gallantry, and took two field-pieces. At this time brigadier-general Fuller, with the first brigade, marched on to take the heights above Fort Chesterfield, or Maregot, where we had reason to expect the greatest resistance; but the former check (in which the enemy lost from fifty to sixty killed and wounded) evinced that opposition could only lead to destruction,

On the recommencement of hostilities sir John was again employed; and on this occasion he ob-

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and they embraced a verbal summons (sent in by brigadier-general Maitland, at five o'clock), to propose their terms at nine; when lieutenant-general Trigge and self being on the spot, the capitulation was signed and exchanged by midnight of the 24th, of which I transmit a copy for their lordships' information.

"At the commencement of the attack we observed in Great Bay two privateer brigs, of twelve guns each, and a schooner of the same force, with a merchant-ship, brig, and nine or ten small craft; and as I considered them likely to attempt getting off in the course of the night, if it was found necessary to surrender, I ordered the Hornet and Fanny armed brig to work up to Great Bay, to prevent such attempt from succeeding; and at sunset sent the Drake to aid on that service; but, unfortunately, the two first did not get far enough to windward to fulfil my intention, by which means one of the brigs and the schooner got out, with a few small vessels, five of which were taken: but I am to lament the brig and schooner getting away, after a chase of twenty-four hours, by the Hornet and Fanny. We found remaining in the bay, one brig privateeer of twelve guns, an English captured ship, a merchant-brig, four small schooners, and a sloop; the particulars of which my time would not allow me to collect, as I began to embark the troops, ordnance, &c. &c. the next morning, the 25th, and sailed for St. Thomas's the afternoon of the 26th, leaving the Proselyte, Hornet, and Drake, to assist in the arrangements necessary for the security of the island, and two transports to embark the garrison in, which consisted of between three and four hundred, besides nearly a similar number which got away in the brig, &c.

"I have ordered the Proselyte to relieve L'Unité, keeping with her the Drake for the protection of the two islands; and L'Unité to conduct the prisoners to Martinique, arranging and getting ready to convoy the trade home.

"I cannot conclude this account of our successful proceedings,

tained the important appointment of commander in chief at Jamaica: a station which generally enriches the superior officers, by means of the numerous captures made by their cruizers.

In addition to the usual duties of his station, the admiral had to conduct a negociation with the French in the neighbourhood of St. Domingo, which soon led to the most important results. Rochambeau, who was then surrounded by the insurgent negroes on one hand, and prevented from receiving supplies from France by a British fleet on the other, beheld himself and troops reduced to the most unhappy dilemma: and deeming it more prudent to rely on the faith of an European enemy than to those exasperated men whom his countrymen had before treated with such cruelty and injustice, he at length consented to a capitulation.

But a more important event soon occurred, calculated at once to give satisfaction to the nation,

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for their lordships' information, without paying that grateful tribute which is due to lieutenant-general Trigge for his kind support and concurrence in every instance, and for his anxious endeavours to preserve that particular harmony and unanimity between the army and navy, which must always contribute to the success of every undertaking. I should not do justice to the officers and men serving under my command, if I was to omit assuring their lordships they have performed the harassing and laborious service they have been employed in highly to my satisfaction, and with an alacrity characteristic of British seamen; and I have the honour to be, sir, &c. &c. &c.

"J. T. DUCKWORTH."

and to throw new lustre on the character of one of its naval chiefs. The French government having determined, if possible, to succour the colony just alluded to, a squadron found means to slip out of Brest, and reach the West Indies. No sooner did sir John Duckworth, then vice-admiral of the blue,* and cruizing off Cadiz, learn that a French force had arrived there, than he collected all the ships possible, and followed thither. On his arrival there he obtained the assistance of admiral Cochrane, from the leeward station, and then proceeded in quest of the enemy with the following squadron:

BRITISH LINE.

WEATHER DIVISION.

Ships.	*Guns.*	*Commanders.*
1. Superb	74	Admiral sir J. Duckworth, K.B. Captain Keates.
2. Northumberland	74	Rear-adm. hon. A. Cochrane, Captain Morrison.
3. Spencer	74	Hon. captain Stopford,
4. Agamemnon	64	Sir E. Berry.

LEE DIVISION.

5. Canopus	84	Admiral Louis, Captain Austin.
6. Donegal	74	——— Malcolm,
7. Atlas	74	——— Pym.

FRIGATES.

1. Acasto	40	Captain Wood.
2. Magicienne	32	——— Mackenzie.
3. King's Fisher	18	——— Nath. Day Cochrane.
4. Epervier		

* He was advanced to that rank in April, 1804.

The Acasto and Magicienne having been dispatched to reconnoitre, on getting through the Mona passage, discovered Hispaniola on the 6th of February, and made a signal for a fleet at anchor off the town of St. Domingo. The Superb, carrying the vice-admiral's flag, immediately bore down; and captain Keates, on perceiving an action inevitable, immediately suspended a portrait of the late lord Nelson to the mizen-stay, and two or three minutes before the work of death began, the officers on the quarter-deck took off their hats, and the band played "God save the king!" This was succeeded by "Nelson and the Nile," &c.: in the midst of their enthusiasm the fleet advanced in close order, the Superb still heading. On this the enemy, having cut their cables, endeavoured to escape; but the following ships were intercepted:

Ships.	*Guns.*	*Commanders.*	
1. L'Imperiale, formerly Le Vengeur, of	120	Rear-ad. Le Siegle. / Captain Le Pigot.	destroyed.
2. Le Diomede	74	—— Henry, ditto.	
3. L'Alexandre	80	—— Garrean, taken.	
4. Le Jupitre	74	—— Laignel, ditto.	
5. Le Brave, formerly Le Dix Août	74	—— Condé, ditto.	

La Felicité, of 44; Le Comete, of 36; and La Diligente, of 16 guns, escaped.

Here follows the official letter, transmitted on this occasion:

Supplement to the London Gazette Extraordinary of Sunday the 23d of March, 1806.

"Admiralty-office, March 24, 1806.

"Dispatches, of which the following are copies, from vice-admiral

sir John Thomas Duckworth, K. B. commanding a squadron of his majesty's ships, addressed to William Marsden, esq. and brought to England by captain Nathaniel Day Cochrane, were yesterday received at the admiralty.

"Superb, to the leeward of the town of St. Domingue,
"SIR, about twelve leagues, Feb. 7, 1806.

"As I feel it highly momentous for his majesty's service, that the lords commissioners of the admiralty should have the earliest information of the movements of the squadron under my command; and as I have no other vessel than the Kingsfisher, that I feel justified in dispatching, I hope neither their lordships, or vice-admiral Collingwood, will deem me defective in my duty towards his lordship, by addressing you on the happy event of yesterday; and as you will receive my letter of the 3d instant herewith, I shall only say, I lost not a moment in getting through the Mona Passage; and on the 5th in the afternoon was joined by the Magicienne, with a further corroboration from various vessels spoken, of a force of ten sail of the line, with as many frigates and corvettes being in these seas; I therefore continued under easy sail for the night, in my approach off the town of St. Domingue, having given orders to captain Dunn, of the Acasto, whose zeal and activity I have experienced for a series of years, to make sail with the Magicienne, captain Mackenzie, two hours before day-light, to reconnoitre, when, at six o'clock, the Acasto, to our great joy, made the signal for two of the enemy's frigates; and before seven, for nine sail at anchor: at half past, that they were getting under way: the squadron under my command then in close order, with all sail set, and the Superb, bearing my flag, leading, and approaching fast, so as to discover before eight that the enemy were in a compact line, under all sail, going before the wind for Cape Nisao, to windward of Ocoa Bay; and as they consisted of only five sail of the line, two frigates, and a corvette (which hereafter will be named), I concluded, from the information I was in possession of, that they were endeavouring to form a junction with their remaining force; and in consequence shaped my course to render abortive such intention, which was completely effected by a little after nine, so as to make an action certain. I therefore tele-

graphed the squadron, that the principal object of attack would be the admiral and his seconds, and at three quarters past nine for the ships to take stations for their mutual support, and engage the enemy as they got up, and a few minutes after to engage as close as possible, when, at a short period after ten, the Superb closed upon the bow of the Alexander, the leading ship, and commenced the action; but after three broadsides she sheered off: the signal was now made for closer action, and we were enabled to attack the admiral in the Imperial (formerly Le Vengeur), the fire of which had been heavy on the Northumberland, bearing the honourable rear-admiral Cochrane's flag. By this time the movement of the Alexander had thrown her among the lee division, which rear-admiral Louis happily availed himself of, and the action became general, and continued with great severity till half past eleven; when the French admiral much shattered, and completely beat, hauled directly for the land, and not being a mile off, at twenty minutes before noon ran on shore; his foremast then only standing, which fell directly on striking: at which time the Superb being only in seven-fathom water, was forced to haul off to avoid the same evil; but not long after the Diomede, of eighty-four guns, pushed on shore near his admiral, when all his masts went: and I think it a duty I owe to character and my country, to add, from the information of sir E. Berry, after she had struck, and the Agamemnon desisted from firing into her, from the captain taking off his hat, and making every token of surrender; and captain Dunn assures me both ensign and pendant were down: to comment on which I leave to the world. About fifty minutes after eleven the firing ceased; and on the smoke clearing away I found Le Brave, bearing a commodore's pendant, the Alexander, and Le Jupitre, in our possession.

"When I contemplate on the result of this action, when five sail of the line had surrendered, or were apparently destroyed in less than two hours, I cannot, though bound to pay every tribute to the noble and gallant efforts of the honourable rear-admiral Cochrane, rear-admiral Louis, the captains, officers, seamen and marines, under my command, be vain enough to suppose that without the aiding hand of Providence such result could have been ef-

fected, and with a loss so comparatively small; and though I shall ever sympathise with the connections of those that fell, the reflection on the cause will, I hope, afford much consolation.

"To speak individually to the conduct of any one would be injurious to all, for all were equally animated with the same zealous ardour in support of their king and country. Yet, possessed of these feelings, I cannot be silent without injustice to the firm and manly support for which I was indebted to captain Keats, and the effect that the system of discipline and good order in which I found the Superb must ever produce; and the pre-eminence of British seamen could never be more highly conspicuous than in this contest.

"After the action, the water being too deep to anchor in the bay of St. Domingue, it was requisite to bring-to with the prizes to repair damages, put the ships in a manageable state, and shift the prisoners, which took me till this afternoon: when I detached the honourable captain Stopford in the Spencer, with the Donnegal and Atlas, which latter had lost her bowsprit, with her prizes to Jamaica; and being anxious with rear-admiral Cochrane, that he should return to his command, where his services must be wanted, a jury mainmast is fitting to the Northumberland, under this island, to enable her to get to windward, when I shall order the Agamemnon, which is staying by her, to accompany the rear-admiral to his station; and I am now proceeding with the Canopus, rear-admiral Louis, Acasto, and Magicienne, off St. Domingue, to make certain of the Imperial and Dionede being completely wrecked, after which I shall repair to Jamaica.

"Having recited the transactions of this glorious combat, which will fairly add another sprig of laurel to our naval history, and assist in promoting our country's good,

"I am, sir, &c,

"J. T. DUCKWORTH."

"SIR, Superb, off St. Domingue, Feb. 7, 1806.

"For the information of the lords commissioners of the admiralty, I send you herewith a list of the killed and wounded in the squadron under my command during the action of yesterday; but

as it was hastily collected, should I find any errors they shall be amended by a subsequent opportunity. You will also have the French captains' statement of their loss in the captured ships; and I can venture to say, the French admiral's will not be in a less proportion; and the striking of the Diomede implies she did not escape the irresistible fire of his majesty's ships. A copy of my public thanks given to the admirals, captains, &c. for having so gallantly performed their duty in this truly decisive action, I request you will lay before their lordships.

"I am, sir, &c.

"To William Marsden, esq. &c. &c. "J. T. DUCKWORTH."
admiralty."

After setting fire to two sail of the line, which it was found impossible to preserve, and securing three, sir John Duckworth returned his thanks by letter to rear-admirals Cochrane and Louis, as well as to the captains under his command, "for the bravery and judgment displayed in the service of their king and country, by effecting a complete victory in as short a period as our naval annals can produce:" he, at the same time, begged "them to convey to the officers, non-commissioned officers, and seamen, and to the officers, non-commissioned officers, and privates of the royal marines, his warmest thanks and approbation."

He then proceeded with his prizes to Port Royal in Jamaica, where he had before obtained a signal mark of esteem on the part of the assembly,* and was now received with raptures.

* Resolution of the assembly of Jamaica, approving of the meritorious conduct of admiral sir John Thomas Duckworth, dated December 17, 1804:—

No sooner did the intelligence of this victory reach England than the Tower guns were fired on the occasion; and one of his majesty's ministers (Mr. Grey, now lord Grey de Howick), after alluding to the importance of the achievement, made the lowing motions, on March 26, 1806:

First. "That the thanks of this house be presented to admiral sir John Thomas Duckworth, knight of the bath, for the distin-

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"Agreed to, *nem. con.* that the thanks of this house be presented to vice-admiral sir John Thomas Duckworth, K. B. for the effectual protection afforded to the commerce and coasts of this island, by his able and disinterested distribution of his majesty's naval forces under his command:

"And that he be requested to accept a sword, as a testimony of the high sense entertained by this house of the eminent services he has thereby rendered to the country."

Mr. Speaker was accordingly ordered to transmit to vice-admiral sir John Thomas Duckworth, K. B. a copy of the above resolution.

He was also instructed to remit to Edmund Pusey Lyon, esq. the agent of this island, the sum of one thousand guineas, for the purpose of purchasing a sword, to be presented to vice-admiral sir J. Duckworth, bart.

This sword is of the most exquisite workmanship. The lion-headed pommel, denoting fortitude, must be allowed to be an appropriate emblem, while the bow consists of a snake, representing wisdom. Instead of rings, the scabbard, which is covered with blue, is ornamented with the alligator, which is the crest of the island of Jamaica; while at the top is a figure of Neptune, surrounded by naval trophies. In the centre is a medallion, representing commerce, with a cornucopia in one hand, while the other bears a crown of laurels, which she is offering to the British navy, for the protection afforded to the chief of the West India islands.

guished valour, ability, and conduct, shewn by him in the action which took place on the 6th of February, off St. Domingo, between his majesty's ships under his command, and a fleet of the enemy; in which action all the enemy's ships that were of the line of battle were either taken or destroyed."

Second. "That the thanks of this house be presented to rear-admirals Cochrane and Louis, and to the several captains and officers of the fleet, for the bravery and good conduct with which they so much contributed to the success of that day."

Third. "That this house do highly approve of and acknowledge the good conduct of the seamen and marines on board the fleet in the said action."

These resolutions were carried *nem. dissentiente.*

A vote, to the same purpose, was passed in the other house of parliament, on the proposition of lord Grenville, who spoke nearly as follows on the occasion:

"It was scarcely necessary, indeed, to make any comment upon the subject, or any preface to his motion. A series of the most splendid achievements," said his lordship, "had raised the character of our navy to the highest point of pre-eminence, whilst they proved the unrivalled skill and valour of our officers, and the irresistible bravery of our seamen.

"The victory recently obtained by sir J. T. Duckworth in the West Indies, evinced that the gallantry and skill of our officers, and the bravery of our seamen, were undiminished. A circumstance had attended this success, which very seldom happened in any of our victorious contests with the enemy, that we had a trifling superiority of force; but this could not in the least take away from the brilliancy of the victory, or the merit of those by whom it was achieved. Every thing had been done that could be effected; every thing had been done that was admitted of by the possibility of the case.

"The enemy's force consisted of five ships of the line, and

five ships of the line were taken and destroyed. He was one of those who thought that the thanks of the house ought not to be given except in those cases where such a vote was called for by great and exalted merit; that so high an honour ought only to be granted where it was eminently deserved: thus rendering the reward the greater by the rarity with which it was conferred. He thought, however, that this was one of those cases, which called upon their lordships to confer that high honour; and that so brilliant a victory entitled those who had achieved it to the thanks of the house for the skill and bravery they had evinced in thus diminishing the means of the enemy, and adding to the security of the country. He conceived it unnecessary to comment any further upon the subject; to enter into any lengthened detail would, he thought, derogate from the splendour of the achievement."

The corporation of London, too, voted thanks to sir J. Duckworth (March 27, 1806); and at the same time presented him with the freedom of the city, and a sword valued at two hundred guineas.

Sir John Thomas Duckworth, at the promotion which took place in November, 1805, became a vice-admiral of the white squadron; and soon after his return was appointed to the Royal George, of one hundred and ten guns, where his flag is now flying.

He has been many years married; and has a son, who acted as brigade-major to general Nugent, when governor of Jamaica. A daughter is the wife of admiral sir Richard King.

ROBERT R. LIVINGSTON,

LATE AMBASSADOR FROM AMERICA TO THE FRENCH COURT.

AMERICA, in consequence of a political *schism*, is separated from us for ever. Yet while we alike lament the unhappy differences, and the disastrous war that disunited the offspring from the parent state, we cannot but hope that a long and uninterrupted harmony will take place between them, in the character of independant nations.

If that country can boast of her love of liberty, let her sons recollect in what school they were taught. If they are able to praise their own laws and their own constitution, be it remembered that they have copied them from those of Britain. If they speak of their great men, let them recollect that many of these have been educated in, and most, if not all, have derived their origin from, this nation.

It is for the common interests of both countries that they should be mutually taught to respect and regard each other. United by one common language, as well as by a similar religion and customs; standing mutually in need of the commodities of their respective climates, soils, and produce; and breathing alike the same lofty spirit of independance: may the two empires continue the interchange of commercial relations, and never cease to cultivate the blessings and the arts of peace!

Robert R. Livingston, late chancellor of the state of New York, and also late minister plenipotentiary from the government of America to that of France, traces his descent to a British origin. He is sprung from an ancient English family, which settled in the colony of New York soon after its acquisition from the Dutch, in the time of James the Second. Whether there were more than one of the name who went over to that country, we are not informed. If not, the multiplication of that one has done honour to the soil and to the seed: for no family in America is now so numerous, perhaps none more generally respected.

The late governor William Livingston, of New Jersey, who was the first citizen voted into that office after its separation from Great Britain, continued to be re-elected, and to serve in the same capacity until his death. His daughter became the wife of John Jay; and his son is the present chancellor to the state of New York. The late Philip Livingston, member of the first and second congress, and one of the framers of the act of independance, with a long list of others who might be enumerated, have so distinguished the name in that country, that the biographer of any one that bears it may be in danger of wandering out of the way, and be suspected of wishing to borrow a lustre from others of the race, to help him to adorn the particular object of his enquiry.

The character of Robert R. Livingston stands in no need of adventitious ornament. He came early

into public life, and has never ceased to deserve well of his country. He was born in New York, about the year 1745; and after being bred to the law, was sent by that state to a meeting of delegates, in 1776. That body was at first a mere *congress*, the functions of which were strictly limited to what its name in European countries used to import, an assembly of delegates from a number of independant states, without any legislative or executive power, but merely what was *consultatory* and *recommendatory*. It had no foreign courts to negotiate with; no domestic concerns that it possessed any authority to controul; it therefore had no head, no ministers, no interior organization. But as soon as it had gained a certain degree of consistency, when its existence was acknowledged by some of the powers of Europe, and an act of confederation among the American states had defined its political functions, it then gave itself limbs as well as life; it constituted the organs through which its will was to be expressed, and its activity to be exerted.

The congress then began to be called a government; and it created two ministers, one for foreign affairs, and one for the department of war. To the first of these places Mr. Robert R. Livingston was appointed. He continued to exercise the duties of this office till some time after the end of the war; when the government of New York, his native country, named him chancellor of that state.

The interior of the province of New York, with respect to its constituted authorities and their modes

of proceeding, resembles that of Great Britain; and we trace more of our own institutions there than in the other states of America. The chancellor of that province, in his judicial and curatorial functions, is exactly copied from our model; though in conformity with the principle prevailing generally in America, of separating all judicial from legislative powers, they do not, like us, allow him a seat in the assembly where laws are made.

Mr. Livingston was still young when he was named to this high and confidential trust. For this he exchanged his place in the federal government (which was then given to John Jay), and fixed himself in his new office; which, though by no means lucrative, was very useful to his fellow-citizens, and therefore honourable to himself.

Mr. Livingston possesses an ample patrimonial estate, called the upper manor; there being two manors of the name of Livingston, situated on the river Hudson, in the state of New York. On this was a venerable old mansion, which he has rebuilt, and in which he usually resides in summer, when in America, living in that easy style of hospitality which is so much relished and enjoyed by the most useful class of the country-gentlemen in England. Like them, too, Mr. Livingston has devoted his principal attention to agriculture: it was his predominant passion. In this his example has been of great utility to his neighbours and his province. His own experiments in that noblest of human arts; the activity and intelligence with which he has in-

troduced and familiarized among his fellow-citizens the improvements either discovered or before used in Great Britain; his exertions in forming, at the city of New York, an agricultural society, of which he is president; and whose printed annals, though of recent date, abound in the fruits of his labours: these present so many substantial titles to the gratitude of his country.

In the year 1794, when the Americans, who had adopted a neutral position in respect to the war in Europe, and who complained (with what justice we shall not pretend to determine) of both French and English depredations on their commerce, Mr. Washington, the late president, thought it necessary, for the preservation of peace, to send a solemn and special legation to each of these powers, whose object should be to explain the pacific sentiments of his country, and demand from the belligerent states a better observance of the rights of nations than America had hitherto experienced. He named Mr. Jay for the mission to the court of London; and he proposed to Mr. Livingston the same appointment for France. Mr. Livingston, however, informed him that he should decline the nomination; in consequence of which James Monroe, of Virginia, was named to that place.

The chancellor accordingly continued in his office till the year 1801, when a new vacancy happening in the embassy to France, and Jefferson being president, he appointed Mr. Livingston to that mission. On this he repaired to Paris, where

he has rendered new and essential services to his native country.

In 1802 the aggressions of the Spanish governor of Louisiana, on the rights of the United States, relative to the navigation of the Mississippi, called aloud for redress, and induced the president to form a new commission for that particular subject. On this occasion he sent over Mr. Monroe (the same who had been before minister in France, and now acts in a similar capacity at our court), and united him to Mr. Livingston, then in Paris. France had already obtained the cession of the whole colony of Louisiana from Spain; and these two gentlemen, without being authorised for the purpose, made a purchase from the French government of that immense territory for the United States. This purchase is now carried into effect; and is considered, on many accounts, as an acquisition of incalculable value to the interests of that country.

Mr. Livingston, in 1804, asked, and obtained leave, to resign his place at Paris, and is since succeeded by general Armstrong. He has now returned to America, to enjoy in tranquillity the high degree of popularity, and universal respect, that his various services have secured to him, from a people who seem to know when to bestow their gratitude with discernment.*

* The materials for the above, as well as another *diplomatic* article, were received by the Editor from a gentleman of considerable celebrity, who has himself occupied high offices; and

MR. HILL,

THE KING'S ANCIENT SERGEANT.

LEX EST TUTISSIMA CASSIS.*

As states increase in wealth and degeneracy, lawyers and laws multiply in a similar proportion. In the early ages of mankind there was but little property, and a comparatively small degree of injustice: there existed no separate profession, therefore, expressly calculated for the purpose of obtaining right for the injured, or defending the wrongs of the powerful. In the Homeric age we find the client and the advocate one and the same person; and among the northern nations the vassals presented themselves before the toparch, or chieftain, dignified sometimes with the name of king, by whose award they were obliged to abide, and from whose decision there was no appeal.

In England the sovereigns themselves, in ancient times, were accustomed to hear and to determine causes; and it is recorded of James I. that he *once* sat on the bench: but it is wisely provided by law, that the monarch may divide the labour among "men of wisdom, and fearing God;" yet notwithstanding this he is always supposed to be present in

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who has lived, we believe, in a certain degree of intimacy with the subject of this memoir.

* Lord chief justice Coke's motto to his rings when made a serjeant.

the courts, and always declaring, "Nulli negabimus, nulli deferemus, nulli vendemus, aut justitiam aut rectum:"—"We deny to no one, we sell to no one, and we delay to no one, either justice or right."

After the Roman conquest, the person invested with the chief juridical power was styled "capitalis justicia," or "justiciarius Angliæ." Odo, bishop of Bayeux, exercised this office in 1067. Basset, in 1261, was the last justiciar. After this the courts of king's bench, common pleas, and exchequer, were established; and there is an almost uninterrupted succession of *laymen* in the first of these, from the time of Nicholas Hanlow, in 1258, to the present day.

It was far otherwise in the court of chancery; for we find that high and important office generally occupied by the clergy; so that the archbishopric of Canterbury has furnished no less than twelve lord chancellors.*

The venerable George Hill, who may be considered as the patriarch of English lawyers, was born about the year 1731, or 1732. After receiving a learned education he was sent to the inns of court, and entered among the "apprenticii ad legem." In his time the ancient discipline happily prevailed,

* The see of Lichfield has also given one, that of Ely nine, that of Exeter three, that of Hereford two, Lincoln six, London nine, Salisbury three, Winchester nine, Worcester five, York twelve, Carlisle one, and Durham five.

and no one could, as now, eat his way to the bar, and receive his gown and wig on paying the necessary fees, &c. without the necessity of knowing more of law than either physic or divinity. Whoever walks into the noble hall of the Middle Temple, will there see the fine wainscot pannelling adorned with the names of the various *readers*, while the terms are all fully specified in which they occasionally explained certain obscure statutes, or unloosed the knotty points of common law, in the presence of the benchers, as well as the junior branches of the profession. *Mootings* also took place between the students, and pleadings relative to the affairs of the inn sometimes occurred. Lord chief justice Coke first distinguished himself, we believe, in the case of the cook of the Inner Temple.

Such, at that time, was the salutary severity of forensic discipline, that an *appearance could not be put in*, as at present, for a term, while the respectable rank of *utter-barrister* was conferred with as much solemnity as a degree now is, at Oxford or Cambridge.

Mr. Hill began his practice in the courts with a great stock of knowledge; and in a short time no counsel at the bar appeared better acquainted with the various forms of proceedings, or was readier in quoting precedents in respect to judicial decisions. He was then considered as eminently qualified to find out a *case in point*; and could refer to all the eminent reporters, with peculiar dexterity, as well as surprising

facility and correctness. This habit has been improved through the course of a long and laborious life, so that at the present day he may be considered as one of the greatest BLACK LETTER lawyers who have appeared in England during the last century.

It was a considerable time, however, before Mr. Hill, although so admirably qualified, ventured to assume the coif; but on the 6th of November, 1772, he was at length called to the dignity of king's sergeant,* at the same time with the late sir James Eyre, who was admitted, *pro formâ*, on obtaining a seat on the exchequer bench. Modern innovations had not as yet disallowed the ceremonial of our ancestors; for this elevation was formerly attended with

* The precise rank of a sergeant at law does not yet appear to be settled, as it is not decided whether a knight or a sergeant's lady is to have precedence. A serious dispute actually took place some years since on this very subject, between the wife of an attorney-general who had been dubbed, and of a lawyer who had attained the honour of the coif. It is not a little remarkable that the place where this question happened to be mooted, was no other than the Temple church, during divine service, and in presence of the benchers, counsel, and students!

The author of this article was fortunate enough to be present, when the matter was argued between a silk and a stuff gown, of the same rank and dignity. The latter, after quoting the opinion of the late Mr. justice Gould, declared in favour of sergeants' wives; but as counsel did not appear in behalf of either the knights or their spouses, this decision may be considered in some respects partial. We believe also that the heralds, "not having the fear of the law before their eyes," have presumed to decide otherwise.

no small degree of formality: and the judges were accustomed to hail the approach of the candidate by the usual exclamation of "I spy a brother!" On this occasion he of course appeared apparelled in the ecclesiastical ornaments, wearing a robe or gown, which in the present case was silk, while the centre of the flowing wig contained the black patch, or rose, originally intended to conceal the ecclesiastical tonsure. Since that period what a sweep has death made among the coeval lawyers! Adair, Bolton, Bond, Wilson, Vaughan, Walker, Kent,—not a single contemporary of the same rank, either clothed with a sarsenet or a stuff gown, is now in existence. Thus, after succeeding by seniority to the post of king's ancient sergeant, this worthy and respectable dignitary appears to stand insulated and alone, like Deucalion after the flood! At the period to which we refer, the present lord chancellor was then an ensign of foot, and the three chiefs of the common law courts of Westminster-hall, Law (lord Ellenborough), Mansfield, and Macdonald, were simple students, who had not as yet tasted of the sweets of the profession.

Men of talents and genius have always been considered as peculiarly subject to certain mental absences; and there is a tradition still extant respecting Newton, who on sitting down to table, and finding the *bones* only of a fowl placed under some pastry by a hungry guest, who had anticipated the banquet, is said to have apologised for having dined be-

anxious to know who the daring culprit was, that presumed to bereave the field and the pack of their prey; and were immediately informed that the execution had taken place in pursuance of legal authority. Their murmurs on this increased tenfold; and when they had the *view halloo* of the venerable sergeant, who made his appearance, with the book in his hand, to defend the act of his vassals, they became outrageous.

Notwithstanding this the learned expounder of the law was not to be intimidated; he knew that he had authorities on his side; and although he was conscious that the men to whom he was now about to address himself had no great reverence for either the common or statute law, yet he gravely quoted a case from one of the old reporters, that would have puzzled a whole bar of modern practitioners to controvert. The effect, however, was prodigious; for what with the extraordinary appearance of the worthy sergeant, who was indeed in his gown, which appeared to them a mere *bed*-gown, the seeming quaintness of his method, the singularity of the occurrence, and the novelty of the whole, which was totally out of the common way, they were so completely *thrown back*, that their rage suddenly abated. Accordingly those very persons, who would have rode over a wheat-field, with all the hounds in full cry, without remorse, and put to defiance the miserable peasant who attempted to defend his property from their intrusion, suddenly felt their rage abate, and actually sneaked away, completely chap-fallen, fol-

lowed by their dogs, with their tails hanging behind their legs; and both man and beast affording, for the first time, a most respectful and submissive testimony of obedience to the laws!

We shall conclude these little stories, so well known among lawyers, with one or two anecdotes more. During the circuit, being at a loss for a reference to a law-book, he is said to have applied, as usual, to his damask bag; but what was the astonishment of the audience when, instead of a volume of Viner, he took out a specimen candlestick, which had been inclosed in the saddle-bags of a Birmingham rider, and conveyed into court by mistake!

At another period the chief-justice having demanded who had a brief in a certain cause, the subject of this memoir immediately arose, and after looking round him, as if in search of some one, gravely observed, that "he believed sergeant Hill was retained on this occasion."

Being once at Leicester on the circuit, his lady met him there. Business, however, increased, and that to such an alarming degree, that a certain cause not only encroached on the hour of refreshment, but also on that of repose. Finding it impossible, in this dilemma, to return at the usual time to his inn, he gravely rose, and ordered his clerk, in an audible voice, "to carry his compliments to Mrs. Hill, and express his sorrow that he could not sleep with her, as he was likely to be detained the whole night in consultation."

Mr. sergeant Hill was formerly married to miss

Meddlecott, a lady of fortune in Northamptonshire; but he is now, and has been for some years, a widower. By her he has an only daughter, Barbara, united to the honourable William Cockayne, the younger son of Charles, the fifth viscount Cullen, baron Cullen, in the county of Donegal, and only brother of the present peer: they have several children, who will inherit a very ample fortune.

We are happy to find that Mr. sergeant Hill still transacts business as a lawyer, and is occasionally as indefatigable in his profession as ever. He is now about seventy-three, or seventy-four years of age; and having given up his chambers, resides in the south-east corner of Bedford-square. He wears a large flat beaver, usually tied round with a black handkerchief, to secure it from accidents; and with this, and a great coat, sometimes walks abroad in summer. During the winter he goes daily out in his chariot. The king's ancient sergeant is strictly appropriate in his appearance; for he exhibits a venerable figure, tall, thin, and majestic, and presents, at the first aspect, an indelible air of study and reflection.

As his clerk has been accustomed for some years to sleep in his bedchamber, and occasionally to take notes in the night, he himself has been said to *dream of cases!* The truth is, that the subject of this article, being still of an active turn, constantly revolves in his mind certain positions, which he endeavours to clothe and support with correspondent authorities. On these occasions, during the stillness of the night,

when neither disturbed by noise, nor distracted with other objects, the readings of more than half a century come to his aid; and when a discovery occurs, his assistant is immediately called to record it

That he may long be occupied in such a manner as to banish care, and render the ravages of time imperceptible, is the sincere and hearty wish of the author of this memoir.

SIR EDWARD PELLEW, BART.

REAR-ADMIRAL OF THE RED, AND COMMANDER IN CHIEF IN INDIA.

CONSCIOUS that the applause of mankind contributes not a little to noble and gallant actions, we confess with honest pride that we have ever been anxious to direct the public admiration towards the defenders of their country. This position, which holds good on all occasions, is verified in an eminent degree when applied to naval and military commanders. The names of a Nelson and a Smith, the heroes of Trafalgar and of Acre, have accordingly graced these volumes: we have long since pointed out the distinguished achievements of both to their applauding country; and we are deeply affected by the loss of one of those illustrious commanders, who, actuated by the impulse of glory alone, rejoiced to die in arms, provided he could but advance the interests of his nation. The

gallant sir Ralph Abercromby, who, like him, also perished in the arms of victory, has in us found biographers, who, however unequal to the task, were at least desirous to do justice to the merits of a great officer, while we have been particularly zealous to praise the honest, manly, liberal, and disinterested conduct of the late marquis Cornwallis.

Of naval commanders, in addition to those already named, we have bestowed a suitable panegyric on a Duncan, who, at Camperdown, extended the honour of the British arms; of a Hood, who distinguished himself in the West Indies and the Mediterranean, and who now, at an advanced period of life, presides as governor over one of the noblest institutions which this or any other country in Europe can boast of. Nor has the gallant Howe been forgotten; for while we enumerated the victories of his youth, as well as those of a more advanced period, we endeavoured to smooth the pillow "of reposing age," and solace the last hours of a long and eventful life, spent in the service of his country. To the list of those already enumerated in our works, we now add the name of the present commander in chief in India.

Sir Edward Pellew may be considered, in some respects, to possess an hereditary claim, as well as an hereditary attachment to the sea-service; for his father, who had chosen the navy as his profession, was bred in it from his early youth. He, however, never rose higher, we believe, than the rank of a lieutenant; for having settled early in life, he became

a collector of one of the outports, and was thus enabled to bring up his children* in a respectable manner. His son Edward, of whom we now propose to treat, was born in Devonshire; and it is not a little remarkable, that this county† has given a greater number of officers of distinction to the sea-service than any other in England.

We are unacquainted with the name of the ship which young Pellew was first sent on board of, but

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* Of his three sons, Samuel is collector of the port of Falmouth, Israel a post-captain, and Edward an admiral.

† Naval officers born or educated in the county of Devon.

ADMIRALS.

Lord viscount Hood, governor of Greenwich-hospital, and admiral of the red.

Lord viscount Bridport, general of marines, and vice-admiral of England.

William Domett, esq. rear-admiral of the white.

Sir Thomas Louis, bart. and K. M. T. K. S. F.

Sir Thomas Graves, K. B. vice-admiral of the blue.

Edward Thornborough, esq. vice-admiral of the blue.

Sir Thomas Troubridge, bart. rear-admiral of the white.

Sir Edward Pellew, bart. rear-admiral of the red.

Sir Richard John Strachan, bart. K. B. and rear-admiral of the blue.

Sir John Thomas Duckworth, admiral of the white.

POST-CAPTAINS.

Captain sir John Laforey.

——— Keates.

——— Brown.

COMMISSIONERS.

Hartwell.

Panshaw.

know that he was appointed a midshipman at a very early period of his life; and have reason to believe, that either then, or soon after, he was the messmate of one of the ablest and most indefatigable magistrates* of the city of Westminster. After the usual time of service, in 1779, or 1780, he passed his examination for a lieutenant, and was soon after nominated to the command of a small vessel. This is a situation generally coveted by enterprising young men, as it affords a more ample field for action, while, at the same time, it not unfrequently furnishes an opportunity for an officer of spirit to distinguish himself.

During the colonial war sir Edward Pellew, in the Resolution cutter, of twelve guns, and seventy-five men, fell in with, and captured, the Flushing, a Dutch privateer, of fourteen guns, and sixty-eight men, one of whom was killed, and six wounded. This appears to have been a smart action, as it continued during an hour and a half. Soon after this

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* Aaron Graham, esq. who by means of the most consummate skill, and the most active research, lately detected the mysterious murder committed by Patch. After having been nominated to the chair of Bow-street, by the present worthy secretary of state for the home department, we have been given to understand that he resigned that very lucrative appointment from a mere point of honour, having deemed it incompatible with his other engagements.

His son, who was bred under sir Edward Pellew, is a post-captain in the navy; and at this moment commands the Vestal frigate.

he obtained another cutter, called the Rambler, in which he proceeded, along with four sail of the line, and four frigates, under sir Hyde Parker, to Gibraltar; and having passed through the intermediate rank of commander, he became a post-captain, on the 21st of May, 1782.*

The war with France, which took place in 1793, afforded an admirable opportunity for able officers to exhibit their talents. Nor was it allowed to slip away by the subject of this memoir, who omitted no occasion for the display of his zeal and energy, as may be seen from the following account.

Having obtained the command of La Nymphe frigate, of thirty-six guns, and two hundred men, he fell in, while cruizing off the *Start*, with La Cleopatra, a French man of war, of forty guns, and three hundred and twenty men. The action commenced at day-light in the morning of the 9th of June, and lasted with unabating fury during fifty-five minutes, in the course of which period the Cleopatra's mizenmast and tiller being shot away, she fell on board the English frigate.

On this, orders were instantly given to board her, which were executed with great bravery from the quarter-deck; and the captain being killed, and three of the lieutenants, with near one hundred of

* Captain Pellew, at the conclusion of the American war, commanded on board the Dictator, of sixty-four guns, at the Nore. In 1790, and 1791, he was captain to vice-admiral Milbank, in the Salisbury, of fifty guns, while on the Newfoundland station.

the people wounded, her colours were struck. But this acquisition was not obtained without bloodshed on the part of the victors; for the boatswain, four midshipmen, and eighteen seamen and marines, were slain, while the second lieutenant, the officer of the marines, two midshipmen, and twenty-three seamen and marines, were wounded.

Nor ought it to be omitted that the conduct of the English commander to the vanquished was marked by the most delicate respect. The body of the captain of the Cleopatra was landed, and buried in Portsmouth church-yard, the corpse being attended by his surviving officers, who were permitted to accompany his remains to the grave. The following inscription was afterwards placed on his tomb:

"CITIZEN MULLER,
SLAIN IN BATTLE WITH LA NYMPHE,
19TH JUNE, 1793,
AGED 42 YEARS."

His majesty was pleased to confer the honour of knighthood * on captain Pellew, for his distinguished gallantry on this occasion; and he also graciously ordered his brother Israel, who was a master and commander, and had served as a volunteer on this occasion, to be promoted to the rank of post-captain. Mr. A. Morris, his first lieutenant, was appointed a master and commander; and La Cleo-

* He was afterwards honoured with a baronetage, as sir Edward Pellew, of Treverry, Cornwall, March 15, 1796.

patra, the prize, being taken into the British navy, exchanged her name for that of L'Oiseau.

Soon after this sir Edward Pellew was appointed to the command of the Arethusa, a fine frigate, mounting thirty-eight guns, with a complement of two hundred and eighty men. Having been attached to the squadron under the command of sir J. B. Warren, he was now stationed for a considerable time on the coast of France, and was present at a number of encounters both with batteries on shore, and the enemy's ships at sea. Early on the 23d of April, 1794, while cruizing off Guernsey, in company with the Flora, the Melampus, La Nymphe, and La Concorde, they discovered five sail standing out to sea; and, as day broke, clearly perceived them to be a squadron of the enemy's ships of war. The wind, by fortunately changing two points, enabled the English commander to gain the weather-gage, and bring them to close action, while it, at the same time, precluded the possibility of gaining their own shore.

The battle was maintained on both sides with great resolution for three hours, when two of the enemy's ships struck to the Flora and Arethusa. Meanwhile the other three frigates continued to pursue the enemy; and at length one of them (L'Engageant, of thirty-six guns, four carronades, and three hundred men) struck to La Concorde, commanded by sir Richard Strachan.

On the 23d of August we find him still attached to

the light squadron, under the command of sir John Warren, consisting of the following vessels:

Ships.	*Guns.*	*Commanders.*
Flora - -	36	Sir John Borlase Warren.
Diamond - -	38	Sir Sidney Smith.
Diana - -	38	Jonathan Faulkner.
Arethusa - -	38	Sir Edward Pellew.
Artois - -	38	Edmund Nagle.
Santa Margaretta -	36	E. Hervey.

At this period, while cruizing off Brest, they fell in with and destroyed, by driving on shore near the Penmark rocks, La Felicité, a French frigate, of forty guns, eighteen-pounders, and three hundred and fifty men. Soon after two corvettes, L'Espion and L'Alerte, experienced the same fate; but it would be injustice on this occasion to omit a noble, yet, we trust, not a singular trait of humanity. The boats of the squadron having been placed under the command of sir Edward Pellew, with orders to destroy the prizes, on boarding them he found many of the crew so desperately wounded that they could not be removed without danger of perishing; and to set fire to the vessels appeared to be horrid. He therefore generously suffered them to remain on board, so as to be relieved by their countrymen from the shore.

In September we find him cruizing off Ushant with the following small squadron under his own command;

Ships.	*Guns.*	*Commanders.*
Arethusa	38	Sir Edward Pellew.
Artois	38	Edmund Nagle.
Diamond	38	Sir Sidney Smith.
Galatea	32	R. G. Keates.

Having discovered a large French frigate, he immediately gave orders for a chace; and being to windward, was enabled to cut her off from the land. In the mean time the superior sailing of the Artois enabled captain Nagle to get up with this vessel, which proved to be La Revolutionnaire, of forty-four guns, and three hundred and seventy men; and notwithstanding the disparity of force, he engaged her during forty minutes, when the squadron approaching, she struck her colours, and surrendered.*

In February, 1795, we find him again serving under sir John Borlase Warren, annoying the trade, and capturing the cruizers of the enemy. Among other exploits, while off the isle of Oleron, they gave chace to a French frigate, and twenty sail of vessels under her convoy, the greater part of which was either destroyed or taken. On March 7, being off the Penmarks, with a light squadron under his own command, he discovered twenty-five sail of the enemy close in among the rocks, under the protection of a small armed ship; eight of these were taken, seven burnt, and the remainder destroyed.

We are now about to mention another instance

* Captain, now sir Edmund, Nagle, was knighted for his gallantry on this occasion. He was the namesake and nephew of the celebrated Edmund Burke.

of personal gallantry, which reflects no small share of honour on the subject of these memoirs. On the 26th of January, 1796, the Dutton transport, which had been forced into Plymouth from admiral Christian's fleet, was driven on shore under the citadel in a heavy gale of wind. She had then on board near five hundred soldiers, most, perhaps all, of whom would have been drowned but for the humanity and zeal of sir Edward Pellew, who at the imminent hazard of his life contrived to get on board by means of a rope. On his arrival the influence of his name and authority not only put an end to the confusion, but reanimated the seamen and passengers, all of whom were safely landed before the ship went to pieces, except a few, who were crushed by the falling of the masts. Such a distinguished act of intrepidity obtained for him the attachment of all good men; and the corporation of Plymouth, within whose jurisdiction, and under whose eye this occurred, presented him with the freedom of the town.

Soon after this he again proceeded to sea, and cruized in the Indefatigable of forty-four guns, with the Argo, Revolutionnaire, Concorde, and Amazon, under his command. This little squadron, on the 19th of March, 1796, captured a whole convoy on the coast of France, and drove La Volage, of twenty-six guns, on shore. On the 13th they captured the national frigate Unité, of thirty-eight guns, off Ushant; and sir Edward finding madame Le Large, wife to the governor of Rochefort, with

her son, a midshipman, on board, he suffered them to return in a neutral vessel, first taking the parole of the young man not to serve until duly exchanged.

A variety of fresh adventures ensued. On the morning of the 28th, while off the Lizard, he saw, gave chace to, and captured La Virginie, of forty-four guns, eighteen-pounders, on the main-deck, after a chace of fifteen hours, and a severe action: both she and the former were added to the navy. On the 9th of November sir Edward fell in with, and was chaced by the French squadron under rear-admiral Richery, bound from L'Orient to Brest.

The year 1797 afforded fresh proofs of the vigour and enterprise of the subject of this memoir. On the 13th of January, while cruizing about five leagues south-west of Ushant, on board the Indefatigable, of forty-four guns, in company with the Amazon, of thirty-two, captain R. C. Reynolds, he discovered a large ship steering towards the coast of France. Having given chace to her immediately, he soon distinguished that she had two tier of guns, with her lower-deck ports shut, and was without a poop. At a quarter before six in the evening a close engagement commenced, and continued during a considerable time, when the Indefatigable having unavoidably shot a-head, her place was supplied by the Amazon, which was also baffled, owing to her press of sail, and even attempted to be boarded. Perceiving themselves thus foiled, after adjusting their rigging, they returned to the charge, and began the battle afresh, first raking the enemy, and

then placing themselves one on each quarter. This second attack lasted during the space of five hours, at the end of which period the masts of sir Edward's ship were in danger of going overboard. To render their situation more critical, a sudden gleam of light from the moon, which had hitherto been shrouded under a cloud, discovered the shore, while the breakers were seen at a short distance; and they soon after found themselves completely landlocked.

The approach of day enabled them to ascertain that they were in Hodierne-bay; they also saw the enemy, which had encountered them so gallantly, with a most tremendous surf breaking over her; and her crew submitting to that fate, which appeared also reserved for themselves. The Amazon actually struck the ground a little before five in the morning; and the greater part of that ship's company was saved by making rafts, and so reaching the shore. The Indefatigable, with four feet of water in her hold, however, at length succeeded in weathering the Penmark rocks, and returned to port.*

It would be tedious and unimportant to recapitulate all the cruises of sir Edward Pellew† during

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* During this singular action the sea ran so high that the people on board the Indefatigable were up to their middle in water on the main deck. Some of the guns broke their breechings four different times, and others drew the ring-bolts from the sides, &c.

† About this period he was selected by lord Bridport to examine the motions of the French fleet, which he discovered, on the 15th of December, 1796, in Camaret-bay, soon after it had reached

the late war, but it would be highly improper to omit the mention of the following expedition. In June, 1800, he was detached with the undermentioned squadron to the coast of France:

Ships.	*Guns.*	*Commanders.*
1. L'Impetueux	78	Captain sir Edward Pellew.
2. Ramillies	74	—— Richard Grindall.
3. Canada	74	—— hon. M. De Courcy.
4. Ajax	80	—— hon. A. Cochrane.
5. Terrible	74	—— W. Wolseley.
6. Captain	74	—— sir Rich. J. Strachan.
7. Fisguard	74	—— T. B. Martin.
8. Amelia	44	—— hon. C. Herbert.
9. Amethyst	38	—— J. Cooke.
10. Diamond	38	—— E. Griffiths.
11. Doris	36	—— lord Ranelagh.
12. Thames	32	—— W. Lukin.
13. Cynthia	18	—— M. Malbon.

There were also five troop ships, on board of which was embarked a considerable detachment of soldiers and marines, under major-general Maitland. The object of this armament was a critical diversion, by affording a powerful assistance to the Chouans, and other royalists, in the Morbihan.

On the 4th of June the squadron having arrived in Quiberon-bay, and the forts at the west end of the peninsula being silenced by the fire from the ships of war, a body of troops was landed to destroy them. Two days after, a detachment was sent on

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Brest. On this he immediately dispatched a vessel home with the intelligence, and at the same time transmitted notice of this event to admiral Colpoys.

shore, and some small craft set fire to; but one of the chief objects of the armament being the capture of Belleisle, which had yielded to the British arms during a former war, a joint attack was meditated both by sea and land against it. Sir Edward Pellew and general Maitland, however, after due consideration, found their force insufficient for the reduction of a garrison consisting of near seven thousand men, provided with guns of a large calibre, and all the necessaries for sustaining a long siege.* The troops were therefore landed on the little island of Houat, where they remained encamped some time: they were afterwards reimbarked on board transports, and proceeded to the Mediterranean.

In the course of the summer we find sir Edward employed with his squadron in blocking up Port Louis; and in the month of July one of his officers performed a most gallant exploit while on that station. Mr. Coghlan, an acting lieutenant, thinking it possible to carry some of the enemy's vessels posted at the entrance of the harbour, begged a ten-oared cutter, with which, and two other boats, he resolved to obtain possession of an armed brig, mounting three twenty-five, and four six-

* Belleisle was summoned repeatedly during the first revolutionary conflict. A captain of a man of war, employed on one occasion, informed the author of this article that the governor detained his lieutenant on shore until the troops had paraded in his presence, while his lady invited him to a ball in the evening, and sent him a present of fruit and greens on board.

pounders, full of men, and moored with springs upon her cables, within pistol-shot of several strong batteries. Notwithstanding the enemy was plainly discovered to be at quarters, and the two other boats were at a considerable distance astern, Mr. Coghlan determined to commence the attack; but having unfortunately jumped into a trawl-net on the enemy's quarter, he was pierced through the thigh with a pike, and he and all his followers were forced to return.

Undismayed, however, by this check, they boarded her a second time on the forecastle, and maintained an obstinate conflict against eighty-seven men, sixteen of whom were soldiers. After killing six, and wounding twenty, they carried off Le Cerbere, while the squadron, as a mark of respect, presented its share of the prize to the victors. Earl St. Vincent, also, not only presented the officer with a sword, but promoted him afterwards.

In August sir Edward served with his old commander, sir John Borlase Warren, in the expedition against Ferrol; and superintended the debarcation of the troops, which were landed under his directions, without the loss of a single man. They were also reimbarked on the 27th, with great order and regularity; after which the squadron, consisting of seven sail of the line, five frigates, and an armed ship, proceeded to sea, and arrived next day off Vigo.

In 1799, we find sir Edward's pennant flying in the Mediterranean fleet, commanded by earl St.

Vincent. He, at that period, was on board L'Impetueux of seventy-eight guns, and the English squadron with which he served for a short time, was the largest Great Britain had ever sent to that quarter of the world.* In 1800, he commanded a detachment off Rochefort, and occasionally joined and cruised with the channel fleet, then commanded by lord Bridport.†

	Ships.		*Guns.*
* It consisted of	1	of the line of	118
	1	of	112
	2	of	110
	9	of	98
	3	of	84
	2	of	80
	1	of	78
	31	of	74
	2	of	64
In all	52	sail of the line.	

† Here follows a list of ships of war, &c. taken or destroyed by sir Edward Pellew, from 1793 to 1802:

1. La Cleopatra, of 40 guns, now called Oiseau, mounts 36 guns, taken off the Start, June 19, 1793.
2. L'Espiegle, of 16 guns, taken by the Nymph of 36 guns, captain Israel Pellew, and Circe of 28 guns, captain I. S. Yorke, off Ushant, Nov. 30, 1793.
3. La Revolutionnaire, of 44 guns, taken by the squadron of sir Edward Pellew in the Channel, on the 21st of October, 1794.
4. Le Quintidi, of 14 guns, taken by ditto in the Channel, September 7, 1794.
5. La Virginie frigate, of 44 guns, taken by ditto in ditto, April 22, 1795.

In consequence of the peace of Amiens, sir Edward Pellew, with a great many other gallant officers, experienced a respite from their labours, and their achievements; we are accordingly to view him, for some time, in a very different situation.

At the general election in 1802, wishing to obtain a seat in parliament, he presented himself as a candidate for Barnstaple, in Devonshire. He succeeded completely on this occasion; for, after a very spirited contest, one of the former members was

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6. La Blonde, of 16 guns, by ditto in ditto, June 11, 1796.
7. Les Trois Couleurs, of 10 guns, by ditto in ditto, June 11, 1796.
8. Les Droits de l'Homme, of 74 guns, run ashore on the Penmarks, and wrecked, by ditto, January 13, 1797.
9. La Vaillante, of 20 guns, taken in the Bay by the Indefatigable, captain sir E. Pellew, in 1798; afterwards named the Danae.
10. L'Insolente, of 18 guns, burnt by ditto off ditto, in 1800.
11. Le Cerbere gun-brig, cut out with the boats of the squadron, in 1800.
12. Les Sans-Culottes, a privateer of 16 guns, taken by ditto in May, 1793.
13. La Revanche, ditto of 12 guns, taken off Brest by ditto, 1794.
14. La Nouvelle Eugenie, ditto of 16 guns, taken by ditto in the Channel, 1794.
15. Le Hyene, ditto of 24 guns, taken by ditto near Teneriffe, 1794.
16. Le Vengeur, ditto of 12 guns, by ditto, 1794.
17. L'Inconcevable, ditto of 18 guns, by ditto, 1794.
18. L'Heureuse Nouvelle, of 22 guns, by ditto, 1794.
19. L'Heureux, ditto of 16 guns, by ditto, 1794.
20. La Minerve, ditto of 16 guns, by ditto, 1794.

thrown out, the numbers at the close of the poll, having been declared to be as follow:

William Devaynes, esq.	269
Sir Edward Pellew, bart.	160
Richard Wilson, esq.	85
John Cleveland, esq.	71.

On retiring from the town-hall, Mr. Devaynes was chaired, but a more apposite triumph was reserved for the victorious sailor. No sooner had he left the hustings, than he was conducted to a barge fixed on wheels, ornamented with laurel, and adorned with colours. The boat, manned with a number of prime seamen in white shirts, with oars in their hands, and steered by a lieutenant of the navy in full uniform, then got under way, and the populace cheered their champion.

Mr. Wilson, the late member, and one of the unsuccessful candidates, petitioned the house of commons against the return; and a committee was chosen on the 17th of February, 1803, to try its merits. On this occasion, H. Alexander, esq. M.P. for Old Sarum, was appointed nominee for the sitting member, and the only charge attempted to be proved, was a breach of the treating-act.

Actual payments of three or four guineas a man were substantiated, but these appeared to have been given to non-resident voters for travelling expences, which is not an offence contrary to law. It was the evident wish and intention of Mr. Wilson, to render the election void, but he completely failed, it being

determined on the 24th of February, that the sitting member was duly elected.

It was imagined, that the subject of this memoir, like most of the sea-officers in the house, would content himself with a simple vote; but on the 15th of March, 1804, when an enquiry was moved into the "state of our naval force," with a view of reflecting on his friend lord St. Vincent, who then presided at the head of the admiralty, he determined to deliver his opinion. He accordingly rose, immediately after an admiral, who had accused the ministers of negligence, and compared the armed vessels sent to the coast of France to so many cockle-shells! Here follows the substance of his reply, which obtained the praise of Mr. Wilberforce, who followed him, and was considered as an able one, both in and out of parliament.

"Sir Edward stated to the house what fell within his knowledge of the naval force of the country; and what was his opinion with respect to the efficiency of our present equipment. We had about three hundred gun-boats, or gun-brigs, or cockle-shells, as they had been termed; but which he deemed as competent to the business for which they were intended, or could be supposed capable of, as any other species of gun-boats. We had kept the sea, and blocked up the ports of the enemy, all weathers, fair or foul; and they had no where a force that was able to cope with us. Yet these strong facts were not sufficient to satisfy the minds of some of the honourable gentlemen as to the power of our navy.

"The contracting for building of ships for his majesty's navy had been dwelt on with very great force in the course of the debate; he could state, however, from his own personal knowledge, that the contract work was, in the general, either composed of very indifferent materials, or else put together in a loose and

slovenly manner; so much so that they could not be deemed seaworthy for any thing like the same space of time as the vessels which were built in the king's yards. Two particular instances had lately fallen within his own observation: indeed the result of his experience was, that ship-building by contract is not to be depended on. But he had very lately seen two of them lying on the stocks, in such a state as was sufficient to convince him, if any further proof was wanting to his mind, of the impropriety of contracting. That mode, however, might necessarily be resorted to, when there was not room enough in the king's yards, for the purpose of keeping up our number of shipping.

"As far as the subject could, in any degree, be connected with the character or conduct of the admiralty-board, or with that of the noble lord who presides over it, he must say, that he never knew any period, during his experience in naval affairs, at which more universal, or more zealous affection towards the government in general, or more cordial approbation of all the measures of the admiralty, prevailed amongst all ranks of persons belonging to the navy; but every officer in the navy, he believed, was particularly satisfied with the conduct of the noble lord at the head of that board. The cordage, the stores, the provisions, in short, every necessary for the proper appointment of a sufficient naval force to beat the enemy, was most rigidly attended to.

"We had not only enough, but more than enough to overcome the enemy at Toulon, at Brest, at Flushing, and at every other place where they were able to collect any force that was at all worth notice. This general satisfaction which prevailed among naval men as to the conduct of the admiralty, and this strong and powerful force with which we were enabled to overcome the enemy, was still said to be insufficient.

"This reminded him of an anecdote of a French admiral who was blocked up by him with six sail of the line: the Frenchman had taken it into his head that there were twelve vessels at the mouth of the harbour; and though every pains was taken that could be likely to satisfy him as to the real amount of the blockading force, yet he never could be convinced that there was less than twelve vessels blocking him up. The case was not exactly

similar; but really the idea of making it a subject of serious investigation, that we had not gun-boats sufficient to meet the enemy, appeared to him something like forming a supposition that our ships of the line, frigates, &c. were not sufficient for the purpose of repelling any force that dare show itself to them."

As a new war was now raging, and our ancient enemy, alike ambitious under the monarchical, directorial, consular, and imperial, governments, had renewed the contest with fresh vigour, it is but natural to suppose that sir Edward was anxious to embark once more in that service, and on that element, too, which had already proved so auspicious to him. He had indeed begun to reap its honours, as well as its emoluments; for about this time he was appointed rear-admiral of the white, and he had obtained a colonelcy of marines in 1801.

The important office of commander in chief in India happened at this period to be vacant. Admiral Rainier, after a residence of many years in that country, and the accumulation of an immense fortune, was preparing to return home, and admiral sir Edward Pellew was so fortunate as to be nominated his successor. He was accordingly appointed to the Culloden, of seventy-four guns; and having hoisted his flag on board of her, he left England in 1804. After a short passage that vessel arrived at the mouth of the Ganges, on the 20th of November; and in January, 1805, proceeded to Prince of Wales' Island, where the late governor-general* intended

* Marquis of Wellesley.

to build two docks large enough for the admission of seventy-fours.

Since that period he has been chiefly occupied in clearing the seas of French cruizers, and teaching the piratical states to respect the honour of the British flag.

He is now a rear-admiral of the red, in consequence of a recent promotion.

CAPTAIN ISRAEL PELLEW,

OF THE ROYAL NAVY.

CAPTAIN Israel Pellew, a younger brother of the admiral, whose memoirs we have just given, like him, entered early in life into the naval service of his country. In 1783 he commanded the Resolution cutter, of fourteen guns, then stationed on the home service. At the conclusion of the American war he attained the rank of commander, and, we believe, remained for a considerable time on half-pay. It fortunately happened, however, as has been already stated, that he served as a volunteer with his brother on board the Nymphe, and was present during the action with the French frigate; in consequence of which he was made a post-captain.*

In the course of the late war he commanded the

* June 25, 1793.

Cleopatra* frigate, in the West Indies; and some time after the commencement of the present, was nominated to a seventy-four gun ship, then destined for the Mediterranean. Since that period he has been stationed with the squadron off Rochefort.

It ought not to be omitted in this place that he commanded the Conqueror at the glorious battle of Trafalgar, October 21, 1805, when Nelson fell, and England conquered.

MR. HOME.

THIS gentleman may be fairly considered as the Nestor of men of letters. In point of chronology, indeed, he appertains to the *good* old school of a former century; and he has survived Murphy, who was one of the last of its disciples. While he still remains above the literary horizon we are anxious to

* In 1801 captain Israel Pellew, in the Cleopatra, and captain Lowrie, in the Andromeda frigates, being on a cruize off the island of Cuba, sent their boats into Levita-bay, for the purpose of cutting out a convoy of vessels which lay at anchor under the protection of three armed ships. The Spaniards, who were aware of the attack, and had prepared themselves accordingly, discharged such a tremendous volley of grape and langrage, as to occasion great slaughter among the assailants: they however found means to board and capture one of the galleys; but the fire was so incessant, that they were at length obliged to retreat to their ships, with the loss of the first lieutenant of the Cleopatra, who conducted this very desperate expedition, together with nine seamen, and one midshipman, while no less than sixteen were wounded.

publish his memoirs; for no one possesses better pretensions to be considered as a public character. He himself has frequently pencilled "the many-coloured scenes" of life, and has been engaged in its toils and turmoils, as a soldier, a clergyman, and an author. The remainder of his days, we trust, will prove happy; and when he dies,

"May the green turf lie lightly on his head!"

John Home is a native of Scotland, where his name* ranked high among the genealogists. He

* The name, still respectable in Scotland, was formerly illustrious. The noble family of Home, earls of Home, take their surname from the castle of Home, in the Merse of Berwickshire; and are sprung from William, a son of Patrick Home, earl of Dunbar, whose descendant, Alexander, one of the privy-council to James IV., was made a peer of Scotland by that prince.

His successors took different parts, according to circumstances, in the contests that ensued. John having been taken prisoner during the rebellion of 1715, was sent to London, tried, and found guilty of high treason, but received his majesty's pardon. In the insurrection of 1745, the earl of Home joined sir John Cope; and, being an officer of the guards, offered his services. "He came to Dunbar," we are told, "attended by one or two servants. There were not wanting persons, upon this occasion, to make their remarks, and observe the mighty change which little more than a century had produced in Scotland. It was known to every body, who knew any thing of their history, that the ancestors of this noble lord (once the most powerful peers in the south of Scotland) could, at a short warning, have raised in their own territories a body of men, whose approach that Highland army, which had got possession of the capital of Scotland (and was preparing to fight the whole military force of that kingdom) would not have dared to wait."

was born about the year 1728, or 1729. The place of his nativity is not exactly known to us; but we believe it to have been either at, or near, Ancrum, in Roxboroughshire. The early part of his education was received at a parochial school, to which the inhabitants were accustomed to send their children, and where the author of the "Domestic Medicine" was his contemporary: they afterwards finished their studies at the same university. Both Dr. Buchan's parents and his own were respectable men, in the middle ranks of life, possessed of sufficient wealth and good sense to bestow a learned profession on their children, who have since reflected lustre on their families, in consequence of the talents displayed by them in the course of lives prolonged, in both cases, beyond the common fate of mankind.

After studying some time at the college of Edinburgh, it was determined that Mr. Home should become a clergyman, which, in that country, was then, as now, a situation of great respectability, and little emolument. It was selected, indeed, by his pious relations in the North, as a profession which, by the inducements held out to godliness, would amply compensate for the deficiency of wealth; the youthful candidate accordingly attended the divinity class during a considerable period.

But the labours of the individual were suspended for a while by public commotions. The people of the highlands of Scotland happened to be at this very period in arms; and a descendant of James II.,

then styled the *Pretender*, was actually marching a body of men, collected from the mountains of Moray, Nairn, Ross, Invernessshire, and the islands, towards the capital of Scotland. On hearing of the approach of the insurgents, the citizens of Edinburgh assembled, and for a while evinced an eager disposition to resist the incursion of men unacquainted with the art of war, and unprovided with the means of attacking fortified places.

Mr. Home, a whig alike by family and principle, although he has often been since aspersed as a tory, was of course animated with the general spirit. Having repaired to that city, on the 9th of September, 1745, and being informed by his companions that they had affixed their signatures to the list of those who were willing and ready to serve against the common enemy, he immediately joined them, and became a volunteer in the college company. There were about twenty students of the university, who offered their services, under captain Drummond, formerly provost of that city; and professor Cleghorn himself was in the ranks.

Their zeal, however, was more fiery than durable; and, at the suggestion of some persons who were either intimidated or disaffected, they disbanded: it was otherwise, however, with Mr. Home, for he persevered, marched along with a detachment of the royal army, and was made a prisoner at the action of Falkirk: a battle gained by the raw adherents to the prince over regular troops by the novelty and terror of the *claymore*, a weapon which they had

never before witnessed. But although he did not escape from captivity, yet it appears that he remained unhurt by weapons so formidable at that period, and so little prized at the present; and he lived long enough, indeed, to publish at an advanced age the account of the campaigns of his youth.

At length the battle of Culloden having annihilated the declining fortunes of the house of Stuart, and blasted all the hopes of its adherents, tranquillity was restored to the nation; so that the inhabitants began once more to cultivate the arts of peace. Mr. Home, who had experienced only a slight confinement, now returned to the seat of learning; and the time of his probation being elapsed, the candidate for holy orders was admitted a minister of the church of Scotland, after due examination. In the course of a short time we find him duly inducted as parson of the parish of Athelstaneford, where the reverend Robert Blair, the representative of the ancient family of Blair, of Blair in Ayrshire, and author of "the Grave, a Poem," had been his predecessor.* Thus, after the succession of two such men, Athelstaneford, in East Lothian, may now fairly be considered as classic ground.

Mr. Home entered on the duties of his office with all the ardour of youth; but he soon found that a scanty stipend, and an obscure congregation, were

* The son of this worthy clergyman afterwards became solicitor-general for Scotland.

but ill calculated for a man whose heart beat high with the desire of praise, and who was ambitious to distinguish himself. He had been accustomed to the society of a provincial capital, which then, as now, served at once as the nurse, and resort, of men of letters. Several of these, some of whom have since been celebrated in the world, had instituted a society for philosophical disquisition, of which Mr. Home, who was an original member, did not, at that time, constitute the least prominent character. This institution, among others, consisted of Dr. Adam Ferguson, who soon after distinguished himself in a professor's chair in the university, and became famous by his lectures on moral philosophy, as well as by his "Essay on civil Society." Dr. William Robertson, a name which has since acquired eminence by his "History of Scotland," and of "Charles V.," was another. Dr. Hugh Blair, the eloquent regius professor, who in 1758, at the special request of the lords of council and session, became one of the ministers of the high church of Edinburgh, constituted a third; while Mr. Alexander Wedderburne, afterwards solicitor and attorney-general, lord Loughborough, earl of Rosslyn, and lord-high-chancellor of Great Britain, in succession, made a fourth. To these, all of whom were so celebrated in their various departments, another, no less renowned, we believe, might be added, in the person of David Hume, who, although captiously termed "a puny dialectician from the North," by a dignitary of the English church, will doubtless rank

high in the scale of genius, while posterity will respect that fame, to which the present age has barely done justice.

With such companions as these, Mr. Home associated both before and after he had become a labourer in the vineyard. From the vicinity of his residence to Edinburgh, he was enabled frequently to repair thither, on purpose to enjoy the society of men of talents. He had also addicted himself to certain pursuits, about this period, which occupied no little share of his attention; for he now wooed the Muses, but in such a manner *as not to give scandal.* He knew the temper of the times, as well as the uncharitableness of his neighbours; and was therefore well aware that the company of only one of the Nine would have proved nearly as suspicious as that of a mistress. Notwithstanding all his care, however, the report at length got abroad, and from that moment he was considered as a lost man!

Meanwhile the bosom of Mr. Home, who, we suppose, had frequented the theatre by stealth, and had studied the laws of the drama without the privity of any, except a few chosen friends, was big with a great and important project. He had conceived the plan of a play, laid the plot in Scotland, and made his hero one of his own countrymen. But hitherto the tragic muse had been confined to the Caledonian woods and hills in the neighbourhood of Athelstaneford, where he had originally placed the scenery, and whence he had drawn the groundwork of his story. But the love of praise is na-

tural to an ingenious youth, and he sighed for the dignified action of the buskin, the grandeur of theatrical dress, the aid of splendid scenery, and the applause of approving multitudes! Nor was he disappointed; for being connected with all the leading characters of the day, his name and influence secured a ready reception to his "Douglas."

This tragedy, which tended not a little to flatter the pride of his nation, was played to crowded houses during the greater part of a whole season, and amply justified the pretensions, while it gratified the hopes, of the author. But what constituted the merit of the poet proved the ruin of the divine, who was considered, at one and the same time, as a hopeful candidate of Parnassus, and a disgrace to the *kirk* of Scotland. He was accordingly cited before the presbytery; and perceiving that the storm, which had been some time gathering about his head, was likely to end in deprivation, he anticipated the fate awaiting him, and resigned.

With his living he also appears for a while to have abandoned his native land: for he now repaired to England; and his play having been performed on the London stage, at the recommendation of his countryman David Hume, it experienced a very kind reception, and has ever since been considered as a *stock-piece*. In the course of a short time, too, the munificence of his sovereign amply compensated for the losses he had experienced in consequence of the enmity of his brethren; for lord Bute having represented him as a man of talents to his majesty, his

name was placed on the pension-list, nearly at the same time with that of the great lexicographer. Nor ought the liberality of an individual to be forgotten: Mr. Thomas Sheridan, father of the orator, was so great an admirer of the tragedy of "Douglas," that although not rich himself, yet such was his spirit and generosity, that he presented Mr. Home with a gold medal. On the other hand he was attacked, and abused, and vilified, by Churchill, as well as several other writers of the same party.*

* Mr. Wilkes, in his ironical dedication of Ben Jonson's historical play, entitled "The Fall of Mortimer," published in 1763, and addressed to the late earl of Bute, also satirized Mr. Home. "Your whole council of state," says he, "is composed of men of the first abilities; the duke of Bedford, the earls of Halifax, Egremont, and Gower; the lords Henley, Mansfield, and Ligonier; Mr. George Grenville, and Mr. Fox (afterwards lord Holland).

"The business of this great empire is not however trusted to them: the most arduous and complicated parts are not only digested and prepared, but finally revised and settled, by Gilbert Elliot and Alexander Wedderburn, esquires, sir Henry Erskine, baronet, and the Home."

In a note we are presented with the following account of the last of these gentlemen: "The reverend John Home, esquire; first a preacher among the Scottish presbyterians, then a playwright. This preacher, like the famous thresher, the blind cobler, and others, was, at the beginning, looked upon as a prodigy of genius and learning; merely from being thought, at an early age, to have produced one tolerable piece.

"He went on," it is added, "and it was soon seen how mean

In 1759 the author of Douglas produced the Siege of Aquileia, in which the original Roscius appeared in the character of Æmilius. On this occasion he is said to have had the gallant sir Alexander Seaton, governor of Berwick, in his eye, although he professes in the prologue to

> "Draw the just portrait of a Roman youth,
> Who with the best, and noblest, passions fir'd,
> In the same moment conquer'd and expir'd."

The *run* of this play continued during no more than nine nights, notwithstanding the joint attractions of Garrick and Mrs. Cibber; it was followed by the Fatal Discovery; and his dramatic career ended with Alonzo, which ranks next to his Douglas, a composition remarkable for its regularity, accuracy, and interest; and in which, according to lord Orford, "he had found out the true language of tragedy."

Nearly half a century after it had been written, and when the subject of this memoir had returned to, and settled in, Scotland, master Betty, considered by some as the "Roscius" of the present day, happened to be engaged by Mr. Jackson, of the Edinburgh stage; and he commenced his theatrical labours there in the character of "Young Norval." On the forenoon of that very day the manager hap-

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and contemptible his talents were. He sunk into obscurity; and his fame, like the torrent he speaks of in Douglas,

'Infused silence with a *stilly* sound.'

Var. Lect. *silly*."

pened, by mere accident, to meet the author on the North Bridge, and in the course of the same evening he conducted him to the theatre, and seated him at the side of the first wing, precisely in the very spot where he had placed him at the representation of that same tragedy forty-three years before!

The play was received throughout with rapturous applause; and the author was so completely gratified, that, in the plenitude of his enthusiasm, he stepped before the curtain, and after bowing respectfully to the audience, retired amidst the tumultuous acclamations of all present. He was afterwards pleased to declare, "that this was the first time he had ever seen Douglas played according to his ideas of the character when he conceived and wrote it. He is a wonderful being," added he; "his endowments are great beyond conception; and I pronounce that he will soon be one of the first actors on the British stage."

After having contemplated Mr. Home as a dramatic writer, we are next to consider him as an historian. It has already been noticed that he took arms in defence of George I.; and it may now be necessary to add, that during a period of fifty years the project of describing what he had seen and heard at that important period had been revolving in his mind. It is not a little remarkable, too, that his old friend Boswell long entertained the same idea; and such was his *nationality*, that he was determined not to call in the aid of a "London press."

In 1802 Mr. Home published his long-meditated work, entitled "The History of the Rebellion in the year 1745." Prefixed to it is a print, by Fittler, of Charles Edward Stuart, from a bust executed by Le Moine, at Paris, in the year 1749. The dedication to the king is in a style of courtly compliment; for his majesty is confidently told, "that at every crisis of a most eventful reign he hath acted in such a manner as to captivate the hearts of his people, who love a brave and steady prince." In the preface, however, his language is manly and decisive; for he there praises the Revolution, "which by deposing one king, and soon after transferring the crown to another family, the nearest protestant heir, but more remote than several Roman-catholic families, gave such an ascendant to popular principles, as put the nature of the constitution beyond all controversy."

The following is the introduction to the History itself:

"In the year 1745, Charles Edward Stuart, the Pretender's eldest son, calling himself the prince of Wales, landed with seven persons in a remote part of the highlands of Scotland. A few days after his arrival some highlanders (not a very considerable number) joined him; and descending from their mountains, undisciplined and ill-armed, without cavalry, without artillery, without one place of strength in their possession, attempted to dethrone the king, and subvert the government of Great Britain. The conclusion of this enterprise was such as most people both at home and abroad expected; but the progress of the rebels was what nobody expected, for they defeated more than once the king's troops: they overran one of the United Kingdoms, and marched so far into the other, that the capital trembled at their

approach: during the tide of fortune, which had its ebbs and flows, there were moments when nothing seemed impossible; and, to say the truth, it was not easy to forecast or imagine any thing more unlikely than what had already happened.

"More than half a century has elapsed since the battle of Culloden was fought, in which the rebel army was defeated and dispersed, never to make head, nor appear in force, again; but no history has yet been published of a war in which the inhabitants of Britain were so much interested, that, as long as it lasted, they thought and spoke of nothing else.

"In those days I carried arms (though not a military man by profession), and, serving with the king's troops, underwent part of their adverse fortune; for I was taken prisoner at the battle of Falkirk, and during my captivity was an eye-witness of some memorable events, an account of which I committed to writing, whilst the facts were recent, and fresh in my memory; and having taken no small pains for many years to procure authentic information of what I did not see, visiting every place which was the scene of any remarkable occurrence, and examining the accounts which I had collected of each battle, upon the field where it was fought, accompanied and assisted by persons who had been present upon every occasion, sometimes principally concerned. Proceeding in this manner I have finished a course of inquiry, which has enabled me to deduce, from its origin to its final extermination, the history of the rebellion."

After an account of the extent and limits of the highlands of Scotland, the peculiarities of clanship, and the attachment of certain districts to the exiled family of Stuart, we are told that, about 1742, there was an association existing in North Britain, called "the concert of gentlemen," for managing the interests of that house in Scotland. It would appear that a correspondence was kept up with the Pretender at Rome; that cardinal Fleury had promised to land a body of French troops under marshal

Saxe; and that Drummond, of Rochaldy, had been sent to Rome, for the express purpose of prevailing on the grandson of James II. to permit his son, who was usually termed "the young Pretender," to repair to France.

Soon after this Murray, of Broughton, the elder brother of the late lord chief justice Mansfield, repaired to Paris on this business; and Fleury being dead, the cardinal de Tencin, and indeed the king himself, promised to him that effectual assistance should be sent. Accordingly, on the 9th of January, 1743, Charles Stuart left Rome privately, rode to Genoa, where he embarked on board a felucca; and having proceeded by Monaco to Antibes, soon reached the French capital. Preparations for an immediate invasion were now made; and, as the greater part of the British troops had been sent to Flanders, and the grand fleet was stationed in the Mediterranean, the project of restoring the Stuarts to the throne of Great Britain appeared so feasible, that marshal Saxe and the Pretender had arrived at Dunkirk, and some of the land forces were actually embarked.

But the appearance of sir John Norris with a formidable squadron discomfited the design; and on the miscarriage of this undertaking Charles returned to Gravelines, where he resided during the summer of 1744, under the name of the chevalier Douglas. Immediately after the battle of Fontenoy, he determined to repair to Scotland to try his fortune; and the French ministers, secretly happy at the idea of

being able to procure a diversion in favour of their master, contrived, in an indirect manner, to enable the prince to carry his designs into execution. Two merchants, of the name of Rutledge and Walch, both of Irish extraction, having been induced to employ an old man of war, called the Elizabeth, and an armed vessel of sixteen guns, in this adventure, the young Pretender repaired to Nantz, where he embarked on the 20th of June, 1745, with two thousand muskets, six hundred broad-swords, and three thousand eight hundred pounds in money, for the avowed purpose of overturning the government of one of the greatest kingdoms in Europe!

After a perilous voyage, during which the largest ship was obliged to return, in consequence of an engagement with an English man of war, of sixty guns, Charles came to anchor in the Doutelle, between South Uist and Erisca. Having landed with only seven followers, he prevailed with much difficulty on Clanronald, and some other chiefs, to declare in his favour; and being joined by Cameron, of Lochiel, who reluctantly engaged in such a desperate enterprise, the standard was erected on the 19th of August, 1745, at Glenfinnin, by the marquis of Tullibardine.

Soon after this it was resolved to march southward; and sir John Cope, having declined giving battle, the insurgents proceeded without molestation to Perth. Inspired with additional confidence by their victorious career, they then marched towards Edinburgh; and the dragoons posted in that

neighbourhood having fled, the capital of Scotland was left open to the highlanders.

"The figure and presence of Charles Stuart," we are told, "were not ill suited to his lofty pretensions. He was in the prime of youth, tall and handsome, of a fair complexion; he had a light-coloured periwig, with hair combed over the front; he wore a highland dress, that is, a tartan short coat without the plaid, a blue bonnet on his head, and on his breast the star of the order of St. Andrew. Charles stood some time in the park to shew himself to the people; and then, though he was very near the palace of Holyrood-house, mounted his horse, either to render himself more conspicuous, or because he rode well, and looked graceful on horseback. The Jacobites were charmed with his appearance: they compared him to Robert Bruce, whom he resembled (they said) in his figure as in his fortune. The whigs looked upon him with other eyes. They acknowledged he was a goodly person; but they observed that, even in that triumphant hour, when he was about to enter the palace of his fathers, the air of his countenance was languid and melancholy; that he looked like a gentleman and a man of fashion, but not like a hero or a conqueror."

While the heralds were proclaiming king James in Edinburgh, sir John Cope was landing his troops at Dunbar. The rebels, however, did not await their approach, for they advanced to meet them; and having encountered them at Preston, on the 21st of September, 1745, obtained a complete victory. On this the conquerors returned to the capital; and having received a supply of arms from France, they determined to march into England. They accordingly set out, to the number of about five thousand six hundred, with a train of artillery, consisting of thirteen pieces of cannon, the most of which had been taken from general Cope's troops.

Having reached Carlisle, and taken that city, doubts arose as to their further proceedings.

"It was proposed to march to Newcastle, and bring general Wade's army to an action: it was proposed to march directly to London by the Lancashire road: it was proposed to do quite the contrary, and return to Scotland, as there was not the least appearance of an invasion from France, or an insurrection in England. Charles declared his adherence to the resolution taken at Edinburgh, of marching directly to London at all hazards; and desired lord George Murray to give his opinion of the different proposals.

"Lord George Murray spoke at some length, compared the advantages and disadvantages of each of the proposals; and concluded, that if his royal highness chose to make a trial of what could be done by marching to the southward, he was persuaded that his army, small as it was, would follow him. Charles said he would venture it. It was a venture. Before Charles set his foot on English ground, all the infantry of the British troops in Flanders had arrived in England, two battalions excepted; and these troops, with the Dutch auxiliaries, and the new raised regiments, formed three armies, each of them superior in number to the rebel army. One army, commanded by general Wade, covered Newcastle. Another army, advancing towards Lancashire, was commanded at first by general Ligonier, and afterwards by his royal highness the duke of Cumberland. Besides these two armies, a number of old regiments, both horse and foot, that had served abroad, were quartered at Finchley, Enfield, and other villages near London, ready, in case of need, to form a third army, which was to have been commanded by the king, and the earl of Stair."

At Derby a council of war was held; and their cause now appearing hopeless, it was resolved to march home. On their return they were pursued by the duke of Cumberland's army, and a skirmish took place at Clifton.

But the pursuit was discontinued; and on the 17th of January, 1745, was fought the battle of Falkirk, in which general Hawley and the king's troops were overcome. "These were not the raw soldiers of general Cope's army, who had never seen an enemy till they met the highlanders at Preston, but the veteran troops of Britain, who had fought the battles of Dettingen and Fontenoy." This triumph, however, was not of long duration; for on the 30th of January the duke of Cumberland entered Edinburgh, and proceeded with his army, in two columns, against the rebels, who, after raising the siege of Stirling-castle, retreated northwards. They however found means to take the castle of Inverness, and also Fort Augustus; yet they failed in their attempt on Fort William.

Meanwhile the royal army marched to the northern counties; and being accompanied by a fleet of transports that entered the Moray frith, were well supplied with provisions. At the battle of Culloden, fought April 16, 1746, and which decided the fortunes of the house of Stuart, "the prince," we are told, "placed himself on a small eminence, behind the right of the second line, with lord Balmerino's troop of horse-guards, and colonel Shea's troop of Fitz-James's horse.

"When Charles saw the highlanders repulsed and flying, which he had never seen before, he advanced," it is said, "to go down and rally them. But the earnest entreaties of his tutor, sir Thomas Sheridan, and others, who assured him that it was impossible, prevailed upon him to leave the field. Charles, when he left the field, was attended by a good many horse, besides the two troops

formerly mentioned; and crossing the river of Nairn, at a ford called Falie, which is about three miles from the field of battle, he halted for some time on the south side of the river, and there he dismissed the two troops of horse, with most of his attendants, desiring them to go to Ruthven, where they should receive further orders. From Falie, Charles, with several people, among whom were sir Thomas Sheridan, Sullivan, O'Neil, and Hay, set out for Gorthleek, where lord Lovat was, and arrived there about sunset. Lord Lovat, who had never seen Charles before, received him with great respect, kneeling, and kissing his hand. After a good deal of conversation they had some supper, and Charles, having changed his dress, left Gorthleek about ten o'clock; and travelling all night, arrived next morning at Invergarie, near Fort Augustus."

Here, it would appear, that all the company took leave of the unfortunate chevalier, except Sullivan, O'Neil, and a servant, who acted as a guide. With these he proceeded first to Locharkaig, in Lochaber, then to Glenbeisdale, and then to Barrodale, where, having procured a boat with eight oars, he embarked for the Long Island, in the evening of the 26th of April. After visiting South and North Uist, exposed to daily perils, and the most singular adventures, his condition became desperate; for there were between fifteen hundred and two thousand armed men in pursuit of him, while the coast was crowded with cutters, and sloops, and ships of war, by means of which every boat was searched and examined.

From these perils he was at length delivered by Flora Macdonald, the daughter of Macdonald, of Melton, in the isle of South Uist. This young lady agreed to conduct him to the isle of Skye; and the

better to conceal her purpose, she obtained a passport for him as her maid. He was accordingly described as "Betty Burke;" and was recommended by a gentleman to his wife "as an excellent spinner of flax, and a most faithful servant." This lady, having conducted the prince to a place of safety, left him; but he was soon after obliged to trust himself to new friends, particularly seven men who lived in a cave in the great hill Corada, between Kintail and Glenmoriston. When he entered they knew him, and fell upon their knees! He was then in great distress. He had a bonnet on his head, together with a wretched yellow wig, while his neck was provided with a tattered handkerchief. The rest of his dress consisted of a coat of coarse dark-coloured cloth, a tartan waistcoat much worn, tartan hose, and highland brogues tied with thongs. His only shirt was of the colour of saffron.

At length the royal wanderer, on the 29th of August, repaired to Badenoch, where he placed himself under the protection of Cluny and Lochiel, two chiefs attached to his cause.

"The joy at their meeting is much easier to be conceived than expressed. And when Lochiel would have kneeled, on coming up to the prince, 'Oh, no, my dear Lochiel,' said his royal highness, clapping him on the shoulder, 'we do not know who may be looking from the top of yonder hills; and if they see any such motions they'll immediately conclude that I am here.'

"Lochiel then ushered him into his habitation, which was indeed but a very poor one. The prince was gay, and in better spirits than it was possible to think he could have been in, considering the many disasters, disappointments, fatigues, and difficul-

ties he had undergone. His royal highness, with his retinue, went into the hut; and there was more meat and drink provided for him than he expected. There was plenty of mutton, an anker of whiskey, containing twenty Scotch pints, some good beef sausages made the year before, with plenty of butter and cheese, besides a large well cured bacon-ham.

"Upon his entry the prince took a hearty dram, which he sometimes called for thereafter to drink the healths of his friends. When some minced collops were dressed with butter, in a large saucepan, which Lochiel and Cluny carried always about with them, being the only fire-vessel they had, his royal highness eat heartily, and said, with a very cheerful countenance, 'Now, gentlemen, I live like a prince:' though, at the same time, he was no otherwise entertained than eating his collops out of the pan with a silver spoon. After dinner he asked Lochiel if he had always lived here, during his skulking, in such a good way. 'Yes, sir,' answered Lochiel; 'for near three months that I have been hereabouts, with my cousin Cluny, he has provided for me so well, that I have had plenty of such as you see; and, I thank heaven, your royal highness has got through so many dangers to take a part.'

"In two days after his royal highness went to lodge with Lochiel, at Millamuir, to which place Cluny came to them from Auchincarry. Upon his entering the hut, when he would have kneeled, the prince prevented him, and kissed him, as if he had been an equal, saying, 'I am sorry, Cluny, you and your regiment were not at Culloden: I did not hear, till very lately, that you were so near us that day.'

"The day after Cluny arrived he thought it time to remove from Millamuir, and took the prince about two miles further into Benalder, to a little *sheil*, called Uiskchibra, where the hut, or bothie, was superlatively bad and smoky; yet his royal highness put up with every thing.

"Here he remained for two or three nights, and then removed to a very romantic habitation, made for him by Cluny, two miles further into Benalder, called the Cage; which was a great curiosity, and can scarcely be described to perfection. It was situated

in the face of a very rough, high, and rocky, mountain, called Letternilichk, still a part of Benalder, full of great stones and crevices, and some scattered wood interspersed. The habitation called the Cage, in the face of that mountain, was in a small thick bush of wood. There were first some rows of trees laid down, in order to level a floor for the habitation; and as the place was steep, this raised the lower side to an equal height with the other; and these trees, in the way of joists or planks, were levelled with earth and gravel. There were betwixt the trees, growing naturally on their own roots, some stakes fixed in the earth, which, with the trees, were interwoven with ropes, made of heath and birch twigs, up to the top of the cage, it being of a round, or rather oval, shape; and the whole thatched, or covered with fog.

"This whole fabric hung as it were by a large tree, which reclined from the one end all along the roof to the other, and which gave it the name of the Cage; and by chance there happened to be two stones at a small distance from one another, in the side next the precipice, resembling the pillars of a chimney where the fire was placed. The smoke had its vent out here, all along the face of the rock, which was so much of the same colour, that one could discover no difference in the clearest day.

"The cage was no larger than to contain six or seven persons; four of whom were frequently employed playing at cards, one idle looking on, one baking, and another firing bread and cooking. Here his royal highness remained till the 13th of September, when he was informed that the vessels* for receiving and carrying him to France, were arrived at Lochnannagh. The prince set out immediately; and travelling only by night arrived at Boradale, near Lochnanuagh, on the 19th, and embarked there on the 20th of September, 1746, and landed nine days after at Roscort, near Morlaix, in Britanny."

We have thus given a brief outline of a work that has afforded us much amusement; and we shall conclude with expressing a most hearty wish

* Two French frigates.

that the author may live to see many editions. The sentiments contained in it convey a true picture of his mind; and if the periods be not polished with the same care as his Douglas, yet the principles are just, and the opinions liberal.

ADMIRAL JOHN SCHANK, F.R.S.

WE have always been eager to pay a just tribute of applause to the gallant warriors who have fought the battles of their country; and this work, while it contains the eulogies, at the same time may be considered as a record of the services of many of our great naval commanders. A Rodney, a Howe, and a Nelson, are no more; but a multitude of gallant officers still survive: and notwithstanding the miserable state of the continent, the dignified independance of Great Britain, amidst the wreck of nations, was never, perhaps, so conspicuous as at this memorable and inauspicious moment.*

"Albion, though oft by dread alarms
Thy native valour has been tried,
Ne'er did the lustre of thy arms
Shine forth with more refulgent pride
Than when, while Europe's sons, dismay'd,
Shrunk recreant from thy mighty aid:
Alone, unfriended, firm, you stood
A barrier 'gainst the foaming flood!

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* This was written at the latter end of August, 1806.

"When, mild and soft, the silken breeze
Blows gently o'er the rippling seas,
The pinnace then may lightly sweep
With painted oar the halcyon deep;
But when the howling whirlwinds rise,
When mountain billows threat the skies,
With ribs of oak the bark must brave
The inroad of the furious wave;
The hardy crew must to the raging wind,
Oppose the sinewy arm, the unconquerable mind.*"

After having so often praised the talents of our great sea-captains, we are now about to notice the merits of a man who has distinguished himself in both the civil and military service of the navy.

The subject of this memoir is a native of one of the southern counties of Scotland. The *Schanks*, or *Shanks*, are supposed to be originally Norwegians, who, having landed during some predatory expedition on the north-eastern coast, settled there. This, we believe, has frequently occurred in respect to all the maritime parts of the island bordering on the Deucaledonian sea; and the curious reader has only to turn to Buchanan, in order to learn the fluctuating nature of the population of Scotland during the middle ages.

Admiral John Schank was the son of Mr. Alexander Schank, of Castlerig, in Fifeshire. He was born about the year 1746, went to sea early in life, and was for some time in the merchant service. This was formerly the case more than at present; for sir Thomas Drake, sir Christopher Mynn, and

* Pye's Ode.

some of our ablest commanders, were originally so bred: Lawson and Shovel rose from humble beginnings; and, to come nearer to our own time, the late commodore Johnson, admiral Stirling's father, and the present sir Home Popham, Trowbridge, &c. have all been originally on board of merchantmen.

About the year 1757 Mr. Schank served, for the first time, in a man of war; and it was not a little fortunate for him that the ship in question proved to be the Elizabeth, then commanded by captain, afterwards sir Hugh Palliser. This officer, notwithstanding the odium attempted to be attached to his name, in consequence of his disputes with admiral Keppel, was a man of great worth and discernment; and while he possessed great merit himself, he appeared always ready to distinguish and reward it, in others. He was appointed at this time to cruize between Cape Clear and Cape Finisterre; and when he afterwards removed to another ship, Mr. Schank accompanied him as one of his followers, in the capacity of master's mate: a station that implies some previous knowledge in nautical affairs.

We are unable to specify the names of all the vessels on board of which Mr. Schank sailed; but we understand that he was for some time a midshipman in the Princess Amelia, under sir George Rodney; and that he accompanied his flag to Jamaica with a view of preferment. The admiral's quarter-deck was, at this time, crowded with young men, all of whom entertained similar hopes; and

being unable to afford preferment to the whole, he determined, at least, to give them employment. He accordingly signified his pleasure, that all the midshipmen, in turn, should steer his barge from Port-royal to Kingston; and as this office, which from time immemorial had appertained to the coxswain, gave general, and just, offence; some of them declined acting under a verbal order, and insisted on a written one.

At length, however, a young midshipman, of the name of Springthorpe, to the great joy of his companions, put an end to a practice so ungrateful to their feelings. Having taken his proper station in the stern of the boat, so as to steer standing, as usual, every thing was conducted with due decorum, until their arrival almost at the place of destination, when it unfortunately happened that, instead of keeping the proper course, the admiral's barge, by a sudden twist of the helm, was run plump against the yellow wharf, so as to have her bows stove in, which prevented Mr. Schank and the others from being placed in a situation so humiliating to their pride.

After this Mr. Schank was, for some time, a midshipman on board the Barfleur; at which period his messmates were the present admiral Moriarti; captain Skinner, of the navy; the late Mr. Uttersal, who acquired a large fortune as a purser in the East Indies; and Mr. Gibson, who, after having acted during almost half a century in the same capacity,

with unimpeachable integrity, at the age of eighty-six, can jump over a hedge five feet high, or run a race with most men of forty in the kingdom.

At length our midshipman, having underwent a due examination, his taylor was enabled to increase the quantity of white cloth on his blue coat; and having become a lieutenant, was, of course, ambitious of still further preferment.

It was about the same period that lieutenant Schank exhibited a talent for mechanics. This had formerly displayed itself, indeed, on several occasions for the good of the service; but what caught the eye of the multitude was the construction of a *cot*, which, by means of pulleys, might be raised or lowered at pleasure, at the will of the person who reclined in it; while by means of castors it could also be removed byhimself from place to place without any difficulty. This was afterwards presented, we believe, to the father of the present lord Dundas, and obtained for the inventor the familiar appellation of "Old Purchase" among his companions.

Having thus, at length, obtained the rank of lieutenant, after a long and laborious apprenticeship of near eighteen years, better prospects began to open before him. War, so justly dreaded by all those on whom its burdens are to descend with tenfold weight in the shape of taxes, is always hailed with delight by the adventurous sailor. He then dreams of nothing but prizes and promotion; he never beholds a neutral flag without condemning the law of

nations; and in the hopes of his own future promotion forgets to enquire into the cause of hostilities. He leaves its policy to be settled by statesmen; and generally thinks that its justice is a fit subject for the captious disquisitions of lawyers alone.

At the very period to which we have now arrived, hostilities were on the eve of taking place between the mother-country and her colonies; but it was imagined by superficial observers that they would be but of short duration, on account of the numerous fleets and armies of the one, and the raw and unexperienced troops of the other.

At this critical epoch lieutenant Schank happened to be stationed in the river St. Lawrence, in Canada, where he commanded an armed schooner,* mounting ten guns. But no sooner was the unhappy contest deemed inevitable, than this gentleman was called upon to act in a new station. His mechanical genius was already well known, and his talents were duly appreciated, while the regularity of his conduct pointed him out as a fit person to be employed in any department requiring ingenuity, steadiness, and integrity.

The Americans were well known to be able ship-carpenters, and bold and daring seamen. They began already to construct flotillas, and promised in a short time to contend for the dominion of the lakes:

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* The Canceaux.

those internal seas, with which that immense continent is so frequently intersected.

To counteract their efforts, both in fresh and salt water, great efforts became necessary; and Mr. Schank was nominated superintendant of the naval department at St. John's. While in this situation he was employed in inspecting the construction of an immense number of small craft; and he at one time undertook the Herculean task of forming, managing, and fitting out, no less than four different flotillas.

It was then that he distinguished himself by the celerity with which he prepared a vessel, called the Inflexible, for action. She was originally constructed in part at Quebec, her floors being all laid, and some of her timbers fitted. These being taken to pieces, were first carried up the river St. Lawrence to Chamblais, and thence to St. John's, where her keel being relaid on the 2d of September, such was the dispatch used, that by sunset on the same day, not only the finished work was replaced, but a considerable quantity of fresh timber laid on. Proceeding with the same degree of expedition, on the 30th of September, after the lapse of twenty-eight days, this vessel was actually launched; and on the evening of the 1st of October was not only completely victualled, manned, and equipped for service, but really under way. Nine days after she had an engagement with the enemy, in which she proved victorious; for no sooner did the Inflexible

make her appearance than the American flotilla, under Arnold, was forced to retire.*

Few of the master-carpenters of Deptford, Chatham, Portsmouth, or Plymouth, but will be astonished at the progress and contrivance of a sea-officer, unacquainted with the professional routine of business, and relying for success solely on his own talents, prompted by nature and reflection, rather than by practice and experience.

In all our regular dock-yards in England the timber is winnowed, sorted, and prepared, with great care, labour, and expence; but on this occasion, when celerity, rather than strength, was aimed at, and a temporary purpose to be effected by means of extraordinary exertions, it was no uncommon thing to behold the lofty inhabitants of the American forest stripped of their foliage by dawn of day, and converted into planks, knees, and timbers, by the evening!

It was in this manner, and under the direction of the senior officer in the naval department, that several armaments were equipped for service on the lakes Ontario, Erie, and Mishagon; while the four different establishments at Quebec, Carleton island, St. John's, and Detroit, were all placed under his immediate inspection.

But it was not only in a naval, but also in a mili-

* The English armament was confided to the management of captain, afterwards admiral, Pringle, and Mr. Schank served under him.

tary, point of view, that Mr. Schank distinguished himself. When general Burgoyne arrived from England, and placed himself at the head of a formidable army, by means of which, in co-operation with other assistance, America was intended to be suddenly and completely subdued, lieutenant Schank's talents were again called into exertion. In a country so frequently intersected by creeks, rivulets, streams, and rapid rivers, the progress of troops was liable to an endless variety of obstructions. It is usual in Europe to make use of pontoons on similar occasions; but these were not to be always obtained in America, and even when procured became cumbersome and inconvenient in a forest, as they were to be carried through woods and swamps, sometimes impervious to waggons. To obviate the inconveniences attendant on the use, or rather to supply the want of these, he invented floating bridges; by the assistance of which the march of the troops was greatly facilitated. To project, and to carry into immediate execution, appeared but one and the same effort; and Crown Point was the place destined for the first trial. Although constructed at the distance of near fourscore miles from thence, they were conveyed thither, or rather made to convey themselves, without difficulty; while, on the other hand, they were so contrived as to be easily managed by means of masts and sails. The unhappy result of this celebrated expedition is too well known; and it is almost unnecessary to remark, that the floating bridges, like the army destined to

pass over them, were but too soon in the power of the enemy.

It is fair to suppose such services as these would be followed by correspondent rewards; and we accordingly find lieutenant Schank promoted first to the rank of master and commander, and then to that of post-captain: the latter of which promotions occurred in 1783.

The interval of public tranquillity that ensued after the contest, which ended in the complete emancipation of the transatlantic continent, precluded the possibility of any professional exertions; and the sword of the warrior was destined to rust during nine long years in the scabbard. But it is otherwise with talents; for it is in the power of the possessor to keep them always bright and polished by constant use. The "piping times of peace" were not suffered to elapse without being rendered productive of essential advantages to the nautical world; and this accordingly is the proper place to give a history of the invention of *sliding-keels*.

While in America Mr. Schank became known to earl Percy, now duke of Northumberland; and it was during a conversation with that nobleman that the idea of this new construction appears to have been first elicited. His lordship, who discovered a taste for naval* architecture, amidst the devastations of a civil war, and the various operations of a land

* The duke of Northumberland has been a munificent patron of Mr. Greathead, the inventor of the life-boat.

army, happened one day to observe, "that if cutters were built flatter, so as to go on the surface, and not draw much water, they would sail much faster, and might still be enabled to carry as much sail, and keep up to the wind, by having their keels descend to a greater depth; and that the flat side of the keel, when presented to the water, would even make them able to spread more canvas, and hold the water better than on a construction whereby they present only the circular surface of the body to the wave." Captain Schank immediately coincided in this opinion; and added, "that if this deep keel was made *moveable, and to be screwed upwards into a trunk, or well, formed within the vessel,* so that, on necessity, they might draw little water, all these advantages might be obtained." Accordingly, in 1774, he built a boat for lord Percy, then at Boston; and she was found to answer all his expectations.

But it may be here necessary to say something concerning the history of this science in general. There is no art in which greater skill, or more time, is required to attain perfection, than that of shipbuilding. The ships of the ancients, on account of their height and shortness, have always been allowed to have been exceedingly defective. Raleigh, the most ingenious man of his time, had no conception of the advantages of a three-decker, or indeed of any vessel of war of more than six hundred tons burden. Sir William Petty was so sensible of the defects incident to vessels of all kinds, during his

time, that, in 1663, he constructed a ship on a new plan, with a double bottom, and which on trial was found to sail considerably faster than any common one: in addition to this, she appears to have been more manageable, for she turned into the narrow harbour of Holyhead, against wind and tide, in a most surprising manner.

Mr. Gordon, in his Principles of Naval Architecture, printed at Aberdeen, in 1784, endeavours to improve on sir William's project; and instead of a double bottom, proposes a method, by which two vessels laterally connected together, though at a considerable distance from each other, might be so constructed, that, without exposing much surface to the action or influence of the wind and waves, they would possess great advantages over common ones. A double ship was actually built on this very principle, by Mr. Miller, of Dalswinton.

Another plan was mentioned by Mr. Gordon, to enable a ship to sail fast, draw little water, and keep a good wind. He proposes, 1. the draught of water to be diminished, in order to obtain velocity; and, 2. to remedy the inconveniency of this plan, by augmenting the depth of the keel, or by increasing the number of keels.*

* It is not a little remarkable that the untaught ingenuity of savage nations often anticipates the most skilful efforts of polished societies. Thus the double canoe of the Ladrones preceded the *double bottom* of sir William Petty; and the balza of South America, the sliding keel invented by admiral Schank.

The balza is a raft composed of eight or ten large pieces of tim-

But a great and manifest improvement was suggested, in respect to vessels, by the subject of this memoir, who instead of *fixed*, conceived the idea of moveable keels, and actually constructed a model on a new plan, in which the keel might either be made to slide down to a certain depth below the bottom or be drawn up within the vessel, as occasion required.

After many* years application, in consequence of a favourable report from the navy board, two vessels were ordered to be built at Deptford, of thirteen tons each, exactly similar in all respects, in regard to dimensions; one being formed on the old construction, and the other flat-bottomed, with sliding keels. In 1790 a comparative trial took place, in presence of the commissioners of the navy, on the river Thames, each having the same quantity of sail; and although the vessel formed on the old model had leeboards, a greater quantity of ballast, and two Thames pilots on board, yet captain Schank's, with three sliding keels, beat the other, to the complete satisfaction of all present, one-half of the whole distance sailed.

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ber, connected together by transverse beams, having a mast and sail; it is steered by boards about three yards long, and half a yard in breadth, which are placed vertically between the timbers, by raising and lowering which the raft tacks, wears, and performs all her operations with great facility. Vide Ulloa's Voyage, vol. I. 182.

* It has been said, that eleven years elapsed before any of the public boards could be prevailed on to *look* at his plan!

This experiment proved so satisfactory, that a king's cutter, of one hundred and twenty tons, was immediately ordered to be constructed on the same plan; and captain Schank was requested to superintend her completion. This vessel was launched at Plymouth in 1791, and named the *Trial*.

"The bottom of the vessel," says this officer, "should be formed quite flat, and the sides made to rise perpendicularly from it, without any curvature, which would not only render her more steady, as being more opposed to the water in rolling, but likewise more convenient for stowage, &c.; while the simplicity of the form would contribute greatly to the ease and expedition with which she might be fabricated. Though diminishing the draught of water is, *cæteris paribus*, undoubtedly the most effectual method of augmenting the velocity with which vessels go before the wind, yet as it proportionally diminishes their hold of water, it renders them extremely liable to be driven to leeward, and altogether incapable of keeping a good wind. This defect may, however, be remedied in a simple and effectual manner, by proportionally augmenting the depth of the keel; or as so large a keel would be inconvenient on many accounts, proportionally increasing their number, &c. Thus then it appears that a vessel drawing eight feet water only, keels and all, may be made to keep as good a wind, or be as little liable of being driven to leeward, as the sharpest-built vessel of the same length, drawing fourteen, nay, twenty, or upwards; if a few more keels are added at the same time, that she would be little more resisted in moving the line of the keels than a vessel drawing six feet water only. These keels, besides, would strengthen the vessel considerably, would render her more steady, and less liable to be overset, and thereby enable her to carry more sail."

The following are the dimensions and properties: 1. The length of the vessel is sixty-six, breadth twenty-one, and depth of the hold seven, feet,

2. Her bottom is quite flat, and draws only six feet water, with all her guns, stores, &c.; whereas all other vessels of her tonnage, on the old construction, draw fourteen feet: so that she can go with safety into almost any harbour or creek.

3. She has three sliding keels inclosed in a case or well; they are each fourteen feet in length; the fore and the after keels are three feet broad, and the middle keel six. These are moveable by means of a winch, and may be let down seven feet below the real keel; they at the same time work equally well in a storm as in still water.

4. Her hold is divided into several compartments, all water-tight, and so contrived, that should even a plank or two start at sea in different parts of the vessel, she may be navigated with the greatest security to any place.

5. If she be driven on shore, she will not soon become a wreck, as her keels will then be forced up into their cases, and the ship being flat-bottomed will not easily overset.

6. As she is able to go into very shallow water, it also follows, that the crew will have a better chance of being saved.

7. By means of her sliding keels she is kept steady in the greatest gale; besides this, she is quite easy in a great sea, does not strain in the least, and never takes in water on her deck.

8. When at anchor she rides more upright and even than any other ship can do; she sails very fast, either before, or on, a wind; and yet her sails

appear too small for her dimensions, while no vessel of the same size has ever been able to beat her.*

The Cynthia sloop of war was also built according to the new principle, and, as we have reason to believe, under the immediate inspection of the original projector. The advantages resulting from the adoption of this mode may be comprehended under the following heads:

Vessels thus constructed will sail faster, steer easier, and tack and wear quicker, and in less room:

They will carry more, and draw less, water:

They will ride more easy at an anchor:

They will take the ground better:

In case of shipwreck, of springing a leak, or of a fire, they are more safe, and more likely to be saved:

And, lastly, they will answer better as men of war, bombs, fireships, floating-batteries, gun-boats, and flat-bottomed boats for landing troops.

But it is not only for the purpose of fighting that vessels with sliding keels possess a superiority, as it

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* All the officers of the Trial cutter certified on the 21st of February, 1791:

"1. That with her three sliding keels she did tack, wear, and steer upon a wind, sail fast to windward, and hold a good wind. They also certified that they never were in any vessel of her size or draught of water that sailed faster, or carried a greater press of sail, or made such good weather."

She was inspected again, in 1792, by orders from the admiralty-board; and the report, which was very favourable, stated, that she had outsailed the Resolution, Sprightly, and Nimble cutters; as well as the Salisbury, Nautilus, and Hyæna sloops.

will be seen from the following statement that traders will be benefited in a like, if not a greater, degree:*

"1st. Vessels thus constructed will answer better as coasters of all kinds, and for the coal-trade. The advantages which coasters derive from this construction are many. It is certain that great numbers of them are lost, owing to their great draught of water; and it is also well known that their passages are frequently much lengthened, by their being obliged, when the wind is contrary, to run to leeward to get a good harbour or roadstead. In such cases if they draw a few feet less water they would go into many harbours, which they are now obliged to pass. But the inconvenience does not rest here; for even when they arrive at the intended port, they are, perhaps, often obliged to wait several days for a spring-tide; which, when it comes, a gale of wind probably prevents them from taking advantage of, and getting in: some time also may be lost in getting out of the harbour. Besides loss of time, and consequent expence to the owners, great quarrels are sometimes produced from the same causes, betwixt owners, captains, and crews: all which would, in a great degree, be prevented, were these vessels of a smaller draught of water. According to the plan herein recommended, vessels of one hundred and twenty, to one hundred and forty, tons, would not draw, when loaded, above five feet and a half water at most; and all other vessels in the same proportions. They who are concerned in shipping, and know what water vessels of such burthen at present draw, must see with astonishment the advantage of this construction; which would likewise prove more convenient, as such vessels would not require a pier to lie-to, and are capable of being moored in any part of a harbour; and, if the ground admit of

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* See "The Narrative of a Voyage of Discovery, performed in his majesty's vessel, the Lady Nelson, of sixty-two tons burthen, with sliding keels, in the years 1800, 1801, and 1802, to New South Wales. By James Grant, lieutenant (now a captain) in the royal navy."

it, carts, &c. might come alongside, and load, or unload, them, which also would save a great expence.

"2. Vessels built on this construction would answer in canals, where the canal is about four or five feet deep. Let us suppose the duke of Bridgewater's canals, and all others now made, or to be made, in the kingdom, to be equal to the depth of the Scotch canal betwixt Glasgow and Carron; the locks to be made from sixty to seventy feet long, or more, and from twenty to twenty-six, or more, wide; in such a case, all the trade from any part of the inland country, adjoining to the canals, could load at any public place, town, or village, where a manufactory was carried on; and proceed to the most distant parts of the known world, without the assistance of any other craft. This idea is submitted to the consideration of all those who are concerned in such public undertakings.

"3. Vessels thus constructed would be exceedingly convenient to carry corn or mixed cargoes, part of which it is required to keep separate. This is certainly a great convenience, when it can be obtained without lessening the tonnage; and bulkheads will serve to separate the cargo, let it be as opposite as iron and gunpowder. The bulkheads answer as separate apartments, or like shifting boards, either for corn, salt, &c. There is, perhaps, nothing, except masts, which such a vessel will not answer for better than any other.

"4. Vessels built with sliding keels have the advantage of all others in case of losing the rudder. Although what has been said respecting the effect of the fore and after keel, and the main or middle keel, are sufficient to prove that vessels with three sliding keels can, in case of losing the rudder, be instantly steered with the keels, either on a tack, or working to windward; yet as experiments have been made, and the efficacy of the keels sufficiently ascertained, it will be needless to refer to the certificate made by lieutenant Malbon, of the Trial cutter, and his officers, to the lords of the admiralty.

"In addition to which," says captain Schank, "I can offer the testimony of the ingenious James Templer, esq. of Stove, in the county of Devon, who sailed several leagues in the same ves-

sel, only using the keels. I myself," he further adds, "on many occasions, in the presence of sea-officers, of different ranks, steered and worked that vessel, in every possible manner, with the keels only; but a still more flattering and more honourable proof remains, as this experiment was made in presence of HIS MAJESTY at Weymouth, who was pleased to condescend so far as to examine the construction of the cutter, and to order her to sail in company with him, when signals were settled, by which she was to steer and work to windward with the keels only; which was done, and his majesty signified his most gracious approbation.

"5. Vessels of this construction will last longer than those built according to the present mode. Long experience has discovered that nothing destroys timber so much as being sometimes wet, at other times dry; sometimes being exposed to the air, and at other times excluded from it. This is not the case with ships built according to the construction which has been herein often, but it is hoped not inconsiderately, recommended. It is generally known that the bottom of a ship seldom rots in less than fifty or sixty years; and some last even longer, though the upper works decay much sooner. This may be imputed to the distance the timbers are from each other, or to the circumstance of the ceiling not being caulked, which defects admit of a quick succession of different sorts of air, heat, cold, wetness, and dryness; but according to the plan of making the ship more solid, these would, in a great measure, be excluded, and ships would last at least one-third longer, if not double the time they do at present."

It may now be necessary to say something of the Lady Nelson, built like the vessels formerly alluded to, on admiral Schank's new plan, and of only sixty tons burthen, with three sliding keels.

On the 13th of January, 1800, she was hauled out of Deadman's Dock into the river, having her complement of men, stores, and provisions, on board, with every requisite for building and equip-

ping another vessel of the same size, wood excepted, which could be obtained in New South Wales, whither she was bound. The provisions were calculated for fifteen men for nine months; the water for six.

In proceeding down the river, lieutenant Grant, who deserves great praise for his intrepidity and steadiness, had the satisfaction to discover that she worked well. Much *sea wit*, however, took place on her appearance; and when the smallness of the vessel was contrasted with the length of the voyage, but little hopes were entertained of performing it. This very obvious remark might have held good, in respect to a common ship; but it was found otherwise in respect to one, which, by way of derision, had already obtained the appellation of "his majesty's tinder-box."

She soon after rode out a storm in the Downs, during which a number of large vessels were driven on shore; and during the run to Spithead outsailed all the vessels of her own size, steering the same way. At Portsmouth the Lady Nelson was supplied with four more carriage-guns, in addition to the two she had before; and in consequence of the reception of more stores, became so deep in the water, as to have only two feet nine inches clear abreast the gangway. On this several of the crew appear to have taken the alarm; and she was deserted by the carpenter in particular, on whose skill much was supposed to depend.

In the course of the voyage the Lady Nelson ex-

perienced much blowing weather; and although many disadvantages arose out of the smallness of her size, yet, on the other hand, the peculiarity of her construction fully counterbalanced these:

"I now found the great benefit of the keels," says lieutenant Grant, "in facilitating the vessel's coming-to, and bearing up: for the most dangerous situation a vessel can be put in," adds he, "is when she has got no way on her, and in the act of weathering, or being put before the sea, where her beam is entirely exposed to a high breaking surge. It is often in this situation that deep-loaded merchant ships have their decks cleared of all that is on them, and sometimes are dismasted. If proper attention is paid to the keels, it is only to watch one sea passing, and before the next gets up to you, the vessel will be far enough round to receive it endways, or at least considerably abaft the beam. Of this I am the more convinced, from much experience I have repeatedly had, in a very heavy sea, while in the Lady Nelson; and that in the tract of ocean, when some thousand miles from any *known* land, where there was no continent to interrupt the fetch of the sea, and but little wind to assist me in throwing off the vessel before it."

On the 8th of July Mr. Grant arrived at the Cape, and anchored in Table-bay. On a survey being taken by the builder of the naval yard, it was found that the main keel was broken off short, in the wake of the bolt; and it being deemed impossible to repair the old keels, new ones were ordered to be made.

On the 7th of October the Lady Nelson again proceeded on her voyage; and anchored in Sydney-cove on the 16th of December.

During the former voyage this vessel, which was not in general deemed "sea-worthy," did not lose a

"stitch of canvas," while some of the Indiamen in company had suffered considerably; and in the present it was discovered that there was no danger of "broaching-to" in a hard gale; and "that she could be steered in the heaviest weather with the greatest ease; and in general weather without touching the helm at all."

After having left her some little time, lieutenant Grant was reappointed to the Lady Nelson by the governor, on the 1st of January, 1801; and the original idea of captain Schank was now, in part, resumed:—"to discover all the territory of New South Wales; and to explore far beyond its limits, leaving the same to be surveyed at a future opportunity." She accordingly proceeded to Port Jackson, and after examining the adjacent coasts, was ordered to Hunter's, or Coal river; and her commander returned to Europe in 1782, having circumnavigated the globe.

We are now to consider the subject of this memoir in another point of view. In 1794 he was nominated agent-general for the transports destined to convey the troops under general sir Charles, now lord Grey de Howick, to the West Indies, whither he accompanied them; and remained some time at Martinico, after the capture of that important island. During the remainder of the war, he also superintended the embarcations for the continent; and was particularly useful in 1799, at the epoch of the expedition to Holland.

When a general board was afterwards formed for

that purpose, he was nominated one of the commissioners; and continued to exercise the various duties of this department, which included the treatment of prisoners,* until 1802, when he retired.

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* As the French government, at this period, affected to think that the prisoners of war were not well used, we shall here subjoin two letters, addressed by the transport-board to M. Otto; from which it will be seen that they were treated with due humanity on the part of the English. The true cause of the complaint, originating in their own astonishing propensity to gambling, is, at the same time, fully developed.

"SIR, Transport-office, Nov. 1, 1800.

"We have received your letter of the 29th of last month, relative to the present state of the French prisoners of war in this country, and have, agreeable to your desire, transmitted it to the lords commissioners of the admiralty for their consideration; but, at the same time, we cannot help observing, that the distressed situation which you represent the prisoners to be in, is entirely owing either to their being totally destitute of clothing, or to their own imprudence in disposing of their provisions by gaming; and not, as you assert, to an insufficiency of the ration of provisions issued to them, which is fully enough to keep men, living without labour, in a general state of good health; and certainly affords more subsistence than a great part of the labouring people of this country is able to procure, being, as you well know, a full pound of bread, eight ounces of fresh beef, and above a quart of soup, compounded of vegetables or peas, for each man *per diem*.

"We reiterated to you, in our several letters of the 21st of March, 24th of May, 28th of August, 11th of September, and 17th of last month, the miserable situation of the prisoners at all the depôts from the want of clothing, and the melancholy consequences that were to be expected to ensue, if the French government did not cause them to be supplied with that necessary article, previous to the commencement of the cold weather.

On the commencement of the present war, when the French, themselves become slaves, menaced all Eu-

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"In giving you such timely premonition, we certainly did all that was incumbent on us to do, or that humanity dictated; and we have no hesitation in saying, that if the French government had expended a few thousand pounds in providing clothing for their people in this country, in proper time, the greater part of the evils of which you now complain would not have existed.

"As it is certainly the duty of every state to provide for the support of its people while in captivity, so whatever may have been its arrangements with respect to victualling, it has been the custom, in all former wars between Great Britain and France, for each country to provide clothing for its own subjects; and agreeably to this custom, all the British prisoners in France, as well as the Russian prisoners taken in Holland, are now actually supplied with clothing by our agent captain Cotes, at the expence of this country, although you state as a reason for the French government not clothing their people here, that the British prisoners in France are clothed at the expence of your government.

"Whatever may latterly have been the effects of the prisoners wanting clothing, it cannot be denied, that, until very lately, the prisoners at all the depôts were generally in as good a state of health as at any former period, even when victualled by their own country. Some, indeed, had fallen victims to an invincible spirit of gaming, by sporting away their allowance of provisions as well as their clothing, and the bedding with which they had been amply supplied by us; but we believe that the number that has thus suffered has hitherto not been very considerable. In our letters of the 22d of April and 20th of May last, we represented to you fully the effects of this pernicious practice, which had become so prevalent in the prisons; and we proposed to you a measure, which, if adopted, we doubt not would have greatly tended to put a stop to it; but, for what reason we know not, you have not hitherto taken any notice to us of our communications on that subject; and from the want of your concurrence, the utmost exe

rope with bondage, captain Schank was employed on a mission of a difficult and delicate nature; for he

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ertions of our agents, in pursuance of our orders for prohibiting gaming, have as yet proved ineffectual. While this practice continues, it is evident that, if the ration of the prisoners were tenfold what it is, they would still sport it away; and the circumstance of their now disposing of the rations issued to them, is a proof that it is not on account of the insufficiency of those rations, but merely from the gambling spirit above mentioned, that they also dispose of their bedding and clothing. Indeed, so far from their being obliged to part with their clothing to purchase provisions, it appears, even from your own statement respecting the prisoners at Liverpool, that they actually dispose of a part of their subsistence to procure clothes.

"With respect to your observation, of the prisoners not being permitted to increase their means of subsistence by labour, which you say, 'the most severe administration would not refuse to the greatest criminals,' we think it proper to acquaint you, that the prisoners at all the depôts in this country are at full liberty to exercise their industry within the prisons, in manufacturing and selling any articles they may think proper, excepting hats, which would affect the revenue in opposition to the laws, obscene toys and drawings, and articles made either from their clothing or the prison stores; and by means of this privilege some of them have been known to earn, and to carry off upon their release, more than one hundred guineas each.

"Upon this occasion it has become highly expedient for us, once more, solemnly to impress upon your mind the necessity of a speedy relief being afforded to your people, with respect to the article of clothing: a supply of which would materially, if not entirely, remove the principal causes of their present distress.

"If you, or rather your government, delay to furnish this supply, whatever evils may ensue, and these may justly be apprehended, cannot, after such repeated notices as we have for a long

carefully inspected, under the direction of the board of admiralty, every creek and inlet from Holy Island,

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time given you, be imputed to this country, but to the state which, in this instance, has so entirely neglected its own people.

"We are, &c.

(Signed) "RUPERT GEORGE.
"AMBROSE SERLE.
"M. Otto." "JOHN SCHANK."

"SIR, Transport-office, April 22, 1800.

"Having directed captain Woodriff, the superintendant at Norman-cross prison, to report to us on the subject of some complaints made by the prisoners confined at that place, he has informed us of a most pernicious practice among the prisoners, which he has used every possible means to prevent, but without success. Some of the men, whom he stated to have been long confined without receiving any supplies from their friends, have only the prison-allowance to subsist on, and this allowance he considers sufficient to nourish and keep them in health, if they received it daily; but he states that this is not the case, although the full ration is regularly served by the steward to each mess of twelve men. There are in those prisons, he observes, some men, if they deserve that name, who possess money, with which they purchase at the daily market whatever is allowed to enter, and with those articles they purchase of some unfortunate and unthinking fellow-prisoner his ration of bread for several days together, and frequently *both bread and beef for a month*, which he, the merchant, seizes upon daily, and sells it out again to some other unfortunate being on the same usurious terms, allowing the former *one halfpenny worth of potatoes daily* to keep him alive: not content with this more than savage barbarity, he purchases next his clothes and bedding, and sees the miserable man lie naked on the plank, unless he will consent to allow him one halfpenny a night to lie in his own hammock; and which he

within sight of the Northumbrian hills, to Portsmouth, one of our chief naval arsenals.

At length, after a service of upwards of forty years, he obtained his flag, on the 9th of November, 1805.

Admiral Schank, who has been for some years married to miss Grant, the sister of the master of the rolls, was lately couched for a cataract, from which, we trust, he will derive the most beneficial effects.

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makes him pay by a further deprivation of his ration when his original debt is paid. Thus, captain Woodriff adds, it will be found that the origin of the distress so much complained of by the prisoners is entirely among themselves; for it is daily detected by him, and punished as rigorously as possible, but without the desired effect. In consequence of this representation we have now directed captain Woodriff to keep a list of every man of the description of merchants above mentioned, in order that they may be put at the end of the list of exchange; and we have no doubt but you will approve of the measure, and inform the prisoners of your determination to punish accordingly all such as shall be guilty of a traffic so injurious to their fellow-creatures.

"We are, &c.

(Signed) "RUPERT GEORGE.
"AMBROSE SERLE.
"JOHN SCHANK.
"JOSEPH HUNT."

"M. Otto."

SIR ROBERT THOMAS WILSON,

KNIGHT OF THE ORDER OF MARIA THERESA.

THE new situation in which modern Europe has been placed, in consequence of the wonderful events of the French Revolution, not only affects the political relations of every state, but the private condition of every individual. The profession of arms, in particular, appears to have acquired a new direction, and even a new destiny. Such seems to be the miserable fate reserved for mankind, that the fable, in which the ignoble members attempt to dictate to the body, is threatened to be realised, and the head forced to succumb to the hand. In a state of society, where all are soldiers, a certain severity of manners is likely to prevail: the military code seems doomed to predominate over civil institutions, and the gownsman to yield to the man of the sword.

A brilliant dynasty has been recently formed out of an order of men whose merits, and whose claims, are alike unknown to ancient heraldry. The example of successful ambition may hereafter prove contagious; and those who conduct armies may aspire to govern kingdoms. The *baton* of a victorious general has, in all ages and countries, been able to beat off the crown from the head of a feeble and cowardly monarch.

But it is to be hoped that when peace shall at length smooth the rugged brow of war, a new direction will be given to our military manners. The education of our youth, destined for the army, has heretofore been

shamefully neglected. The early attainment of command, and not the ability of commanding, has been chiefly attended to; so that those who have performed notable exploits, have but seldom been able to record them. It is entirely owing to this that we possess so few military authors; for, with an exception to the subject of this memoir, we cannot at present recollect any officer of the present day who has attempted to present the public with an historical narrative of the battles which he has witnessed.

Sir Robert Wilson, descended from a family settled in the north of England, was born in London. His father, the late Benjamin Wilson, F. R. S. was a native of Yorkshire, and his brother died recorder of Pomfret, leaving to sir Henry Wilson, his son, considerable estates in that neighbourhood. He himself was bred a painter; and having attained considerable eminence, became a member of the royal, and several learned, societies. He united in his own person certain qualities and pursuits which but seldom meet in the same individual; for in addition to those talents displayed by his pencil, he understood and wrote on subjects connected with natural philosophy.

This gentleman, who, we believe, enjoyed the place of draughtsman to the board of ordnance, and was patronised by the king, had studied the doctrines of electricity with great attention, and conceived that the received opinions on that subject were erroneous. It was he with whom originated the grand question relative to the best form of *conductors*. Benjamin

Franklin, another name for science itself, had maintained that pointed ones were best calculated for attracting the electric fluid. But America was then in arms against the mother-country; he was her ambassador at the court of Versailles; and Turgot, a minister of the king of France, had immortalised him by means of an audacious hemistich:

"Eripuit fulmen cælo, sceptrumque tyrannis."

In this state of affairs it was the opinion of some *loyal subjects*, that the *rebel philosopher* was equally erroneous in science and politics, and balls were for some time actually substituted for points. Mr. Wilson wrote on this subject, and, we believe, wrote ably; but the experiment proved unfortunate, notwithstanding the sanction of high authority; for the Pantheon having been fitted up at a very considerable expence, expressly for the purpose of a trial, it was found that the *insurgent* flame, true to the laws laid down by the venerable American, disdained the royal and legitimate doctrine respecting spherical bodies; and, in the language of the epigram made on that occasion, like himself, overcame his adversaries,

"By sticking to the point."

Robert, the eldest son of this gentleman, was born in the metropolis of the British empire, in 1777; and as his father had but a small family,*

* We believe that there were three children: Robert; a younger brother, now in the army; and his sister, who was left a

and possessed a considerable property, it was determined to give him a good education. He was accordingly sent, first, to Westminster, and then to Winchester, school. But when he was only eleven or twelve years of age his mind became dazzled with military glory; and having lost his father, in 1788, he was the better enabled to pursue his favourite propensity.

Soon after the duke of York had arrived at Helvoetsluys (March 1, 1793), for the purpose of supporting the Dutch against the invasion of Dumouriez, Mr. Wilson repaired to the continent, to offer his services against the common enemy. Having been introduced to the commander in chief by his brother-in-law, lieutenant-colonel Boswell, of the Coldstream, who perished a few weeks after,* fighting gallantly and victoriously against the enemy, he soon obtained a lieutenancy in the fifteenth light dragoons. In the course of the next year he and five other officers of that regiment distinguished themselves greatly, at Villers en Couché, in Flanders; and appear to have been instrumental to the safety of Francis II. This occurred during the siege of Landrecies, on the 24th of April, 1794, when his imperial majesty, happening to venture

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fortune of five or six thousand pounds. She was married to lieutenant-colonel Boswell, the younger brother of lady Dudley and Ward; and after-remaining some years a widow, has since become the wife of colonel Campbell.

* At Lincelles, August 18, 1793.

too far from his camp, with a feeble escort, stood in great danger of being cut off, had he not been rescued by the gallantry of a small body of troops, whose resolute conduct, doubtless, misled the enemy as to their numbers, and made them mistake a handful of men for the head of a formidable column. It was not, however, until 1798, that his majesty took any public notice of this gallant exploit.

Having been *reminded* of the particulars, he ordered a medal to be struck, "to perpetuate the remembrance of this brilliant action;" and after placing a single specimen in the imperial cabinet of Vienna, he ordered each of the officers to be presented with one in gold, regretting, at the same time, "that the statutes of the order of Maria Theresa, confirmed by constant usage, forbade the cross of this order, strictly national, from being conferred on officers so worthy of being decorated with it.*"

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* It will be seen from the following attestations that some pains have been taken to ascertain the merits of the officers and troops in question:

Copies of the official testimonies relative to the gallant conduct of the fifteenth light dragoons, &c. on the 24th of April, 1794.

No. I. An attestation of lieutenant-general Otto, in his imperial majesty's service, relative to the action that took place on the 24th of April, 1794, in the affair of Landrecies.

"When his imperial majesty's army besieged Landrecies, a French city, and his royal highness's army formed the right wing near Cateau, where I was placed, the enemy endeavoured by different attacks to prevent the siege; and to effect this purpose they

His majesty, however, a short time after, was resolved to relax from the severity of these regula-

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assembled about twenty-four thousand men at Cæsar's camp, and advanced on the 23d of April, 1794, in three columns; attacked the imperial troops near Douchy, Avernes le Second, Villers en Couché, Harpres, and the Hessian advanced posts near the river Selle, which were forced to retire.

"Major-general Sentkersky, who was on the right flank, near St. Hilaire, with two hussar, and two English, light-dragoon squadrons, having informed me of the circumstance, I reconnoitred the enemy, who were ten thousand strong, composed of cavalry and infantry.

"Seeing how serious it was, as they had advanced as far as Villers en Couché, and their patroles had advanced to the other side of the river Selle, I sent for a reinforcement, which arrived the same day. I accordingly marched, on the 24th of April, 1794, in front of the enemy, and ordered them to be attacked on their flank, near Montrecourt, by a part of the cavalry, which were the advanced guard, composed of the above mentioned two hussar, and *two of the fifteenth light-dragoon squadrons*. The reinforcement had not arrived, notwithstanding which, added to the very small force of the advanced guard, aid-de-camp Murrey, and Sentkersky, colonel of Leopold's hussars, with major Aylett, of the fifteenth English dragoons, attacked the enemy, although considerably stronger, with such fortitude and bravery, that their cavalry began to run away behind their infantry; they then cut off the infantry, and killed above eight hundred; besides which they took three pieces of cannon.

"After this success the imperialists and Hessians, who had retired from the Selle, reassembled, and advanced on the other side of my detachment; by which means a small number drove the enemy, who were prodigiously stronger, as far as Cambray. I do not wish to enter into too long a detail; but every person can judge of the valour of this attack, if, with the eyes of an experienced warrior, he observes on the map the position of our army,

tions; and having been pleased, as sovereign of the order, to dispense with the custom alluded to, all the

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and the advance of the enemy, as far as the river Selle. The whole seems to prove the truth of the saying, 'that a few resolute and brave soldiers can decide a great deal.'

"The names of the officers who distinguished themselves on that ever-memorable day are as follow:

"Major (now lieutenant-colonel) Aylett, and major Pocklington, of the fifteenth light-dragoons.

"Captains Ryan, Calcraft, Blount, and Wilson, of ditto.

"Major Keir, of the sixth light-dragoons; and major Butler, of the eighty-seventh regiment, then in the fifteenth regiment.

"OTTO, lieutenant-general."

ENGLISH FORCE.

One hundred and eighty-seven rank and file.

AUSTRIAN FORCE.

Eighty-seven rank and file.

TOTAL.

Two hundred and seventy-four men.

No. II. "The undersigned certifies to captain Ryan, of the English light-dragoons, that on the 24th of April, 1794, the fifteenth regiment charged the enemy, who were in great force at Villers en Couché, routed them, sabred a great many, *and by their conduct rescued his imperial majesty from the danger that threatened his person; for being on the road from Valenciennes to Catillon he was cut off by their patroles, which had already passed the river Selle.*

"The courageous conduct of this regiment, animated by its brave officers, is so much the more meritorious, as the main column of the allied army did not arrive to its support; but although abandoned to itself, it still relied on its own valour, attacked the enemy, and by its bravery alone prevented the melancholy consequences above stated: and not content with that, it

officers present were invested with the cross of Maria Theresa, and have since received the pension, which is very trifling, that accompanies an order of knighthood more respectable than profitable. This honourable distinction was afterwards recognised, we believe, by his majesty George III.; and such of the members as are in England have been accustomed to celebrate by means of a festival, in the metropolis, the anniversary of this event.

Lieutenant Wilson remained on the continent as long as it was possible for the English to stay there with safety, and witnessed all the great actions during that period. But the star of France was in the ascendant; the revolutionary armies triumphed, and made a bad use both of their victories and their liberty. After the separation of the English from the Austrian army, both proved unfortunate. A new race of generals sprung up suddenly

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took three pieces of cannon. Captain Ryan, who distinguished himself so much in this affair, had his horse wounded, &c.

"MAX. COUNT DE MERVELDT, major-general.

"Vienna, 29th December, 1797."

Nos. III. and IV. consist of an attestation of general Sentkersky, and prince Charles of Schwarzenberg, in the service of his imperial majesty, witnessed by sir Morton Eden, K. B. envoy-extraordinary, and minister-plenipotentiary, at the court of Vienna.

The fifth voucher is a letter from baron Thugut, conferring the medals struck on the occasion; and the sixth the imperial order for granting the cross of Maria Theresa to the officers present on this occasion.

in France. Moreau distinguished himself in Flanders and in Germany; while Pichegru, assisted by an intense frost, rendered himself celebrated by the conquest of Holland. Thus one great object of the war having been lost, the English troops withdrew from an ungrateful country, which they had entered as allies, and where they found enemies, rather than friends.

About two years subsequently to his return to England, captain sir R. Thomas Wilson, who by this time had obtained a troop, and the order of Maria Theresa, was induced to marry miss Jemima Belford, one of the daughters of colonel Belford, and niece to the late general sir Adam Williamson.

After serving some time during the late unhappy disturbances in Ireland, and repairing once more to the continent with the duke of York, sir Robert obtained a majority in the regiment levied by lieutenant-general the baron Charles de Hompesch, which he accompanied to Egypt.

During his residence in that country he participated in the glory and the toils of those campaigns, of which he was afterwards destined to write the history; and not only was engaged against the French in the desert, but carried on a confidential communication between the commander in chief and the capitan-pacha. After the conquest of that remote country had obtained unfading laurels for the English arms, and extended the glory of the British name in the East, the subject of this me-

moir revisited his native country; and prepared to write a narrative of those exploits, which he had not only witnessed, but participated in.

Soon after his return from abroad he published a "History of the British Expedition to Egypt; to which is subjoined a sketch of the present state of the country, and its means of defence." Illustrated with maps, and a portrait of sir Ralph Abercromby." This was first printed in one volume quarto, and has since passed through four different editions, in two volumes octavo. It is inscribed to "field-marshal his royal highness the duke of York, commander in chief, &c. &c." by whom he had been patronised; and in the preface the author appeals to the "consideration and good-nature of the learned, since he does not presume to rank himself in their number, nor can the writing of a soldier affect the credit of literature. As none of the universities provide an official historiographer, which is much to be lamented," says he, "the details of a campaign can only be communicated to the public by persons attached to the army. Certainly the charge of vanity may be preferred against me for appointing myself to a post of so much difficulty and danger; but my excuse rests in the apathy shewn by others, whose talents capacitated them more fully for the duty. Perhaps I may also be accused of exceeding the limits of a military treatise, by entering into descriptions of places, and similar digressions: yet I submit to the candour of every man, whether the omission would not have excited

greater displeasure. Such a country as Egypt is too interesting to pass over without observation; and the accounts hitherto published have not satiated curiosity. My plea then is, a wish to afford as much amusement as possible, where it was necessary some notice should be taken; and I adopted the style of history, imagining that a narrative would be more entertaining than a journal, since the events of each day do not excite an equal interest.

"With respect to my cursory examination into the diseases which afflicted the army, the medical department will, I feel confident, excuse such an interference, when the motive is considered, which induced me to give an outline of maladies, distinguishing Egypt to the world as an almost uninhabitable country. The physical profession is much too liberal to feel irritation where the object is public service; and they will rather encourage any attempt which may tend to promote the end desired.

"As an apology for all inaccuracies of composition it must be mentioned, that I do not submit my work to the correction of professed scholars, having heard formerly that lord Lyttleton had sixty pages of *errata* returned to him; and therefore being afraid that my whole writings would be blotted out. A younger brother, and Mr. Bowyth, my printer, whose talents and information have indeed rendered me very considerable assistance, are the only persons who have seen the manuscript, or made any alterations in the proofs. Under the apprehension of having the offspring of my brain, which, Montaigne says, is as dear as the child of one's bosom, perish prematurely, I preferred ushering the cherished object into the world, uncultivated as it may be, depending on a kind reception for the virtues it represents for imitation, rather than any inherent qualities which the fondness of many parents might imagine to exist, and presume on.

"As to the contents," continues the author, "I solemnly declare to the British nation, that I have endeavoured to relate a faithful narrative of a campaign, which, combined with all the

naval victories, and their own magnanimity, have elevated the glory of our country to the proudest altitude. Nor should England pride herself on the military services of the Egyptian army alone; throughout the war her troops have fought with equal gallantry: but she may also boast that the moral conduct of that army has exalted her fame on a foundation more durable than victory, erecting her monuments of honour upon the gratitude and admiration of mankind.

"To those who imagine," says he in another place, "that my representation of general Buonaparte's conduct, in the several instances referred to, are imprudent, at this moment, to be brought forwards: I must premise, that if they are concerned only for the character of that general, I am happy to afford them an occasion to be better acquainted with this celebrated man, who by his great fortune, and uninterrupted career of victory (with one exception of Acre, that glorious monument of British conduct), has dazzled the understandings of the mass of mankind, and prevented the results of those enquiries having proper influence, which those, with whom the opinions of the day do not pass current, have instituted on his pretensions to the admiration of posterity.

"To those whose motives of disapprobation proceeded from a regard for tranquillity, exciting the wish, that a general amnesty of oblivion might be extended to the past; first, I will say, that the dissemination of this principle would tend to produce more wickedness in the world than has ever yet been committed. For what is there to intimidate ambition, in full possession of power, but the pen of the historian? What can guarantee mankind from the atrocities of a licentious despotism, but an assurance that the memory of great crimes is perpetuated in the records of history?

"If the charges are not founded, the man yet lives to exonerate his injured character. If he cannot refute them, then must he sink into his grave loaded with the heavy weight of such offences, and the miserable prescience, that execration shall attach to his memory, instead of the fame he coveted. That on his cenotaph posterity will inscribe, *ille venena Colchica, et quicquid usquam concipitur nefas, tractavit.* Secondly, I shall assure them,

that they need be under no apprehensions from any public considerations; for I do not impeach Napoleon Buonaparte, first consul of France, but the general who bore such a christian name, until he turned mussulman, and who was guilty of the crimes alleged, when commanding an army of the republic of France, at the time her executive power was committed to a directory of five members, and when in the administration of her government he has had no legal, or acknowledged authority."*

The history commences at the unfortunate epoch when an attempt on Cadiz was abandoned; and it was as yet undetermined in what portion of the world the British troops should be employed. They were at length disembarked at Malta; and the ministers at home having determined on the expedition against Egypt, the soldiery were once more placed on board transports, and conducted to Marmorice-bay, in Asia Minor, "one of the finest harbours in the world: the entrance of which was so narrow and retired, that it could not be perceived until within a cable's length of the coast."

After waiting a considerable time in vain for the arrival of the captain-pacha, and the gun-boats from Constantinople, the army once more embarked, on the 20th of February, 1801, for a country, respecting which "there was a total want of information. Not a map to be depended on could be procured; and the best draught from which infor-

* Notwithstanding this reasoning on the part of the author, it is a well known fact, that the work in question was publicly complained of, and contributed to that degree of irritation which produced the war.—EDITOR.

mation could be formed, and which was distributed to the generals, proved ridiculously incorrect."

At length this army, whose effective force in the field did not exceed twelve thousand men, came in sight of the shores of Egypt, and happily made good a landing on the 8th of March, 1801. "At nine o'clock the signal was made for the boats to advance. They sprung forward at the same instant, and the whole scene became animation.

"The French, to the number of two thousand men, posted on the top of the sand-hills, forming the concave arch of a circle on the front, of about a mile (the centre of which elevated itself nearly a perpendicular height of sixty yards, apparently inaccessible), had looked down with wonder at the preparations; and since confessed, that they could not believe the attempt would even have been made: but when they saw the boats moving with extraordinary rapidity to the shore, and the armed vessels opening their guns, they could no longer doubt the seriousness of the intention, and directly poured all the fire which their artillery on the heights (twelve-pounders), and the castle of Aboukir, could discharge. The quantity of shots and shells increased as the boats approached, while the shower of grape and musquetry seemed so to plough the surface of the water that nothing on it could live: for a moment it checked, and even compelled some of the boats rather to close upon the left; but the impulse returned with increased ardour, and pressing through the storm they forced to the beach. The reserve leaped out of the boats on the shore, and formed as they advanced; the twenty-third and fortieth rushed up the heights with almost supernatural energy, never firing a shot, but charging with the bayonet the two battalions which crowned it, breaking them, and pursuing till they carried the two Nole-hills in the rear, which commanded the plain to the left, taking at the same time three pieces of cannon.

"The forty-second regiment had landed and formed as on a parade; then mounted the positions, notwithstanding the fire from

two pieces of cannon, and a battalion of infantry. The moment they gained the height two hundred French dragoons attempted to charge them, but were as quickly repulsed. The boats of the guards had scarce felt the beach, and the men begun to jump out, before the same body of cavalry, who had rallied behind the sand-hills, charged suddenly upon them. This unexpected attack caused a momentary disorder; but the fiftieth regiment, formed already on their right, by their fire checked the enemy, and gave time to the guards to present a front, when the cavalry again retreated with considerable loss. The fifty-fourth, and royals, from being in transport-boats, did not reach the shore so soon as the others, but landed at the instant a column of six hundred infantry was advancing with fixed bayonets through a hollow against the left flank of the guards. The French, on seeing them, hesitated, then firing a volley retreated. This moment of exultation cannot be described, but the most callous mind must be sensible to its effect.

"The French, finding the British in full possession of the heights, and general Coote advancing with the guards and his brigade, ran from all points of their position; but in the rear sand-hills maintained, for about an hour and a half, a scattered fire, when they were finally obliged to retreat, having lost three hundred men, eight pieces of cannon, and many horses. The boats returned immediately for the remainder of the army, which, by the great exertions of the navy, were all landed by the evening. Sir Ralph, impressed with the strongest feelings of gratitude and admiration, came on shore, and took up a position, distant about three miles, with his right to the sea, and his left on the lake Maadie, at the same time occupying the battery on the tongue of land at the entrance of the lake, but not in time to prevent the escape of eighty Frenchmen over the ferry.

"The loss of the British amounted, in this affair, to near five hundred men, amongst whom were several gallant officers. General Regnier asserts that the infantry lay down in the bottom of the boats, whilst the sailors, indifferent to the French artillery, rowed with vigour to the shore. What kind of boats must those have been which would have allowed of such an extension?

Is it possible that any one can be ignorant of the necessity of troops, in all debarcations, wedging as close as possible together in an upright position, or how could fifty men be carried in each boat? Malignity should always thus defeat itself."

Soon after this fortunate event Aboukir-castle was invested and taken; and on the 13th the French army, posted in the neighbourhood of Alexandria, "on very commanding ground, the approach to which formed a fine glacis for the whole range of fire from their numerous artillery," was obliged to retreat to their own lines, on the heights before the city.

On the memorable 21st of March the English army, as usual, was under arms at three o'clock in the morning; and soon after an attack took place on the part of general Menou. On this occasion the British troops triumphed; but they lost their gallant leader, sir Ralph Abercromby, who perished in the field of battle. Notwithstanding the importance of this victory, the fate of Egypt still remained undecided; and although the captain-pacha arrived on the 25th of March in the bay of Aboukir, with a body of six thousand men, yet much was yet to be achieved.

The command now devolved on general Hutchinson, who found "that a greater army than his own was still to be combated, strong places to be taken, climate to be endured, supplies to be obtained from the interior, communication to be established with the vizier and the Indian army; and, independant of these formidable difficulties, the plague, and

other diseases, menaced to reduce his force. Lord Keith also assured him that, after October, he could no longer remain on the coast with the shipping, on account of the weather, and state of the vessels. To abandon the enterprise was infamy; to complete it with glory, a precarious prospect; an attack on Alexandria was too desperate an enterprise to be undertaken, but to remain inert was impossible: the fleet wanted water, the troops fresh provisions; he therefore determined to make one effort, which, if successful, might procure the possession of Rosetta, and command of the Nile."

This having been happily effected, the army proceeded on its march towards Cairo; and it was while advancing thither, that intelligence was first obtained of certain crimes said to be perpetrated by the French commander.

"General Hutchinson was very angry with the Turks for still continuing the practice of mangling and cutting off the heads of the prisoners; and the captain-pacha, at his remonstrance, issued again very severe orders against it; but the Turks justified themselves for the massacre of the French by the massacre at Jaffa. As this act, and the poisoning of the sick, have never been credited, because of such enormities being incredibly atrocious, a digression to authenticate them may not be deemed intrusively tedious; and had not the influence of power interfered, the act of accusation would have been preferred in a more solemn manner, and the damning proofs produced by penitent agents of these murders; but neither menaces, recompence, nor promises, can altogether stifle the cries of outraged humanity, and the day of retribution of justice is only delayed.

"Buonaparte having carried the town of Jaffa by assault, many of the garrison were put to the sword; but the greater part flying

into the mosques, and imploring mercy from their pursuers, were granted their lives; and let it be well remembered, that an exasperated army, in the moment of revenge, when the laws of war justified the rage, yet heard the voice of pity, received its impression, and proudly refused any longer to be the executioners of an unresisting enemy. Soldiers of the Italian army, this is a laurel worthy of your fame; a trophy of which the subsequent treason of an individual shall not deprive you!

"Three days afterwards Buonaparte, who had expressed much resentment at the compassion manifested by his troops, and determined to relieve himself from the maintenance and care of three thousand eight hundred prisoners,* ordered them to be marched to a rising ground near Jaffa, where a division of the French infantry formed against them. When the Turks had entered into that fatal alignment, and the mournful preparations were completed, the signal-gun fired. Volleys of musquetry and grape instantly played against them; and Buonaparte, who had been regarding the scene through a telescope, when he saw the smoke ascending, could not restrain his joy, but broke out into exclamations of approval: indeed he had just reason to dread the refusal of his

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"* Buonaparte had in person previously inspected the whole body, amounting to near five thousand men, with the object of saving those who belonged to the towns he was preparing to attack. The age and noble physiognomy of a veteran janissary attracted his observation; and he asked him sharply, 'Old man, what do you do here?' The janissary undauntedly replied, 'I must answer that question by asking you the same; your answer will be, that you came to serve your sultan; so did I mine.' The intrepid frankness of his reply excited universal interest in his favour. Buonaparte even smiled. 'He is saved,' whispered some of the aides-de-camp. 'You know not Buonaparte,' observed one who had served with him in Italy: 'that smile, I speak from experience, does not proceed from the sentiment of benevolence; remember what I say.' The opinion was too true; the janissary was left in the ranks, doomed to death, and suffered.

troops thus to dishonour themselves. Kleber had remonstrated in the most strenuous manner; and the officer of the etat-major, who commanded (for the general to whom the division belonged was absent), even refused to execute the order without a written instruction; but Buonaparte was too cautious, and sent Berthier to enforce obedience.

"When the Turks had all fallen, the French troops humanely endeavoured to put a period to the sufferings of the wounded; but some time elapsed before the bayonet could finish what the fire had not destroyed, and probably many languished in agony. Several French officers, by whom partly these details are furnished, declared, that this was a scene, the retrospect of which tormented their recollection; and that they could not reflect on it without horror, accustomed as they had been to sights of cruelty.

"These were the prisoners whom Assilini, in his very able work on the plague, alludes to, when he says, that for three days the Turks shewed no symptoms of that disease, and it was their putrifying remains which produced the pestilential malady, which he describes as afterwards making such ravages in the French army.

"Their bones still lie in heaps, and are shewn to every traveller who arrives; nor can they be confounded with those who perished in the assault, since this field of butchery lies a mile from the town.

"Such a fact, however, should not be alleged without some proof, or leading circumstance stronger than assertion, being produced to support it; but there would be a want of generosity in naming individuals, and branding them to the latest posterity with infamy for obeying a command when their submission became an act of necessity, since the whole army did not mutiny against the execution; therefore to establish further the authenticity of the relation, this can only be mentioned, that it was Bonn's division which fired; and thus every one is afforded the opportunity of satisfying themselves respecting the truth, by enquiring of officers serving in the different brigades composing this division.

"The next circumstance is of a nature which requires indeed the most particular details to establish, since the idea can scarce

be entertained, that the commander of an army should order his countrymen (or if not immediately such, those among whom he had been naturalized) to be deprived of existence, when in a state which required the kindest consideration. But the annals of France record the frightful crimes of a Robespierre, a Carriere, and historical truth must now mention one equal to any which has blackened its page.

"Buonaparte, finding that his hospitals at Jaffa were crowded with sick, sent for a physician, whose name should be inscribed in letters of gold, but which, from weighty reasons, cannot be here inserted. On his arrival he entered into a long conversation with him respecting the danger of contagion; concluding at last with the remark, that something must be done to remedy the evil; and that the destruction of the sick, at present in the hospital, was the only measure which could be adopted. The physician, alarmed at the proposal, bold in the confidence of virtue and the cause of humanity, remonstrated vehemently, representing the cruelty, as well as the atrocity, of such a murder; but finding that Buonaparte persevered and menaced, he indignantly left the tent, with this memorable observation: 'Neither my principles, nor the character of my profession, will allow me to become a human butcher; and, general, if such qualities as you insinuate are necessary to form a great man, I thank my God that I do not possess them.'

"Buonaparte was not to be diverted from his object by moral considerations; he persevered, and found an apothecary, who (dreading the weight of power, but who since has made an atonement to his mind by unequivocally confessing the fact) consented to become his agent, and to administer poison to the sick. Opium at night was distributed in gratifying food; the wretched unsuspecting victims banqueted, and in a few hours five hundred and eighty soldiers, who had suffered so much for their country, perished thus miserably by the order of its idol.

"Is there a Frenchman whose blood does not chill with horror at the recital of such a fact? Surely the manes of these murdered unoffending people must be now hovering round the seat of government; and if a doubt should exist as to the veracity of

this statement, let the members of the institute at Cairo be asked what passed in their sitting after the return of Buonaparte from Syria; they will relate that the same virtuous physician, who refused to become the destroyer of those committed to his protection, accused Buonaparte of high-treason, in the full assembly, against the honour of France, her children, and humanity; that he entered into the full details of the poisoning the sick, and the massacre of the garrison;* aggravating these crimes by charging Buonaparte with strangling, previously, at Rosetta, a number of French and Copts, who were ill of the plague: thus proving the disposal of his sick was a premeditated plan, which he wished to introduce into general practice.

"In vain Buonaparte attempted to justify himself; the members sat petrified with terror, and almost doubted whether the scene passing before their eyes was not illusion. Assuredly all these proceedings will not be found in the minutes of the institute; no, Buonaparte's policy foresaw the danger, and power produced the erasure; but let no man, calculating on the force of circumstances which may prevent such an avowal as is solicited, presume on this to deny the whole: there are records which remain, and which in due season will be produced. In the interim

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"* Buonaparte pleaded, that he ordered the garrison to be destroyed because he had no provisions to maintain them, or strength enough to guard them; and that it was evident, if they escaped, they would act against the French, since amongst the prisoners were five hundred of the garrison of El-Arish, who had promised not to serve again (they had been compelled, in passing through Jaffa, by the commandant to serve); and that he destroyed the sick to prevent contagion, and save themselves from falling into the hands of the Turks; but these arguments, however specious, were refuted directly; and Buonaparte was at last obliged to rest his defence on the positions of Machiavel. When he afterwards left Egypt the *Scavans* were so angry at being left behind, contrary to promise, that they elected the physician president of the institute: an act which spoke for itself."

this representation will be sufficient to stimulate enquiry; and, Frenchmen, your honour is indeed interested in the examination.

"Let us hope, also, that in no country will there be found another man of such Machiavelian principles, as by sophistry to palliate those transactions; nor must the judgment abuse itself by bringing to recollection the horrors of the French revolution, and thus diminishing the force of those crimes by the frequency of equal guilt in France during the contest for liberty or slavery."

As this work was published at a very critical period, when the peace, so recently concluded with France, was about to be succeeded by a new war, it excited no small degree of attention. An officer, bred, in the language of Othello, "e'en from his boyish days" in the army, just arrived from Egypt, and the author of a work replete with accusations against Buonaparte, could not fail to have a multitude of readers. We accordingly find, that both the subject, and the manner in which it was treated, occasioned no common sensation in England, as may be proved by the ready sale of a narrative which, without either the arts or ornaments of history, kept a fast hold of the public mind. But in a work since published,* the accusations relative to the massacre of Jaffa and the poisoning of the sick, are carefully and candidly examined; and notwithstanding a new war has since intervened, yet no new facts have been adduced in support of charges, at the bare recital of which human nature shudders.

* The History of the Wars of the French Revolution, two volumes quarto.

It is not, however, meant by this to insinuate that the author recurred to accusations which he did not believe; no, on the contrary, we have every reason to suppose that he gave full credit to the tale; and we shall be even candid enough to add, that the recurrence to his work, in the course of the negotiation preceding the present hostilities, although it proved that a certain degree of irritation had been produced, by no means demonstrated the innocence of the party accused.

Sir Robert Wilson is said to have received fifteen hundred pounds by the publication of the British Expedition to Egypt; and he had full leisure for its composition, by the reduction of Hompesch's regiment, in consequence of which he received the half-pay of a lieutenant-colonel.* Soon after this, when the public mind became again agitated, by new and unexpected events, he published "An Inquiry into the present State of the military Force of the British Empire, with a view to its reorganization; dedicated to the right honourable William Pitt:" in which that important subject is treated of at large. He blames "the lavishing of rank on volunteer officers;" but many of his remarks are worthy of attention; and the generous indignation exhibited by him against that barbarous excess of punishment inflicted by some of our modern *martinets* deserves the thanks of every British soldier.

After acting some time as inspecting field-officer

* He obtained the rank of lieutenant-colonel in 1802.

of the volunteers, &c. in the western district, he obtained the rank of second lieutenant-colonel in the twentieth light-dragoons, commanded by lord Heathfield; with this corps he repaired to the Cape, at the capture of which he assisted. Soon after his return to Europe, he accompanied general lord Hutchinson, &c. on a secret mission to the continent, for which they embarked on the 19th of November, 1806.

We lament to add, that lady Wilson has been for some time afflicted with *opthalmia*; a disease which our army found, to its cost, to be one of the plagues of Egypt omitted in the *Pentateuch*.

SIR ROBERT CALDER, BART.

VICE-ADMIRAL OF THE WHITE.

THE people of this country have been so much accustomed of late to rejoice at fortunate acts of desperate valour, that the cold term *prudence* seems to be wholly banished from the nautical dictionary. To preserve, as well as to conquer, however, appears to be a necessary qualification in either a good or a great commander; discretion is no less necessary than valour; and it is the combination of both these qualities together which constitutes that sort of temperament whence the happiest results are likely to be derived. After the lapse of many ages,

the character of the Roman Fabius still affords a theme for admiration.

The subject of this memoir stands in a peculiar point of view. His conduct, or rather the exercise of his judgment, has been disapproved by a court-martial, while the public in general have been inclined to augur favourably of a veteran officer, who, after having obtained a victory, endeavoured to reap all its advantages, and put it out of the power of fortune to bereave him of his hard-earned acquisitions. Without pretending to call the sentence alluded to in question, or affecting to give any decisive opinion of our own, we shall take the liberty to present an historical detail of the whole transaction, and leave the reader to draw his own conclusions.

Sir Robert Calder is descended from an ancient Scotch family, the Calders of Muir-town, in the county of Moray, North Britain, one of whom was created a baronet of Nova Scotia, in 1686. If we are to give credit to a tradition still extant in that part of the world where they were originally settled, they possessed a very considerable estate; but being in great favour with James II., while duke of York, they advanced a large sum of money to his royal highness, which he embarked in some commercial speculations; and the Revolution having ensued, the whole was lost. All that now remains, we believe, of the original patrimony, is a house at Elgin. It is one of those antiquated mansions introduced into the north of Europe after the

return of the crusaders from the Holy Land, the turrets of which were doubtless erected in express imitation of the *minarets*, so prevalent in the East.

Sir James, the eldest son of sir Robert Calder, of Muir-town, having come to England in 1735, married Alice, daughter of rear-admiral Robert Hughes, by whom he had seven children. On settling in Kent, where he possessed a small estate, and had acted for several years as a magistrate, he was fortunate enough to be noticed, and patronised by his countryman, the earl of Bute, through whose influence he was nominated one of the gentlemen-ushers of the privy-chamber to her present majesty.*

His eldest son, having obtained a commission, rose to be a major-general in the army, and lieutenant-governor of Gibraltar, and died in February, 1792, leaving a son, still a minor. Robert, the subject of this memoir, was born at Park-place, July 2, 1745. He was educated in the neighbouring town of Maidstone, in the immediate vicinity of the paternal mansion; and the Moat being but at a small distance, he of course formed an intimacy with the Marshams; one of whom, after representing the town just alluded to, and also serving as knight of the shire, succeeded to the family title and estates, to which the earldom of Romney has been since superadded.

Having determined on the sea-service, in imitation

* He appears to have retained this appointment from 1761 to 1774.

perhaps of his maternal grandfather, sir James Calder sent this, his younger son, on board of a man of war when only fourteen years of age.

We first hear of him in 1766, as lieutenant of the Essex, then under the command of the honourable George Faulkner, whom he accompanied to the West Indies. It was not, however, until many years after (August 27, 1780) that he obtained the rank of a post-captain in the navy.

In 1782 we find him commanding the Diana, which served as a repeating-frigate to admiral Kempenfelt, in 1782, at that disatrous period when sir Charles Hardy deemed it prudent to withdraw with the British fleet from before the combined squadrons of France and Spain, by hauling in between the Wolf-rock and the Main, so as to open the Bristol Channel. On this occasion captain Calder, who belonged to the rear-division, was within a mile of one of the enemy's two-deckers, and might have been sunk, if that ship had fired a broadside; but, as if indignant at the event alluded to, he refused to retire with a king's ship until expressly ordered by signal.

When the first revolutionary war took place between this country and France, captain Calder, who, after having been married,* resided near South-

* On the 1st of May, 1779, he espoused Amelia, daughter of John Michell, of Bayfield-hall, Norfolk, esq. &c. M. P. for Boston, in Lincolnshire, who died in 1766.

ampton, was employed;* and he was soon selected by sir John Jervis, a most excellent officer himself, and no contemptible judge of merit in others, to act in the important and confidential situation of his first captain.† He accordingly served in that capacity in 1796, on board the Victory, of one hundred guns, off Cadiz, at which period the squadron consisted of fifteen sail of the line, and seven frigates. It was with this force that the commander in chief, on Feb. 13, 1797, descried the Spanish fleet, consisting of twenty-six line of battle ships, and twelve frigates; and by means of superior seamanship it was so contrived, that the action commenced before admiral don Joseph De Cordova was able to complete his line, as a number of his large vessels had been separated from the main body. Having passed suddenly through the enemy's squadron, and tacked in such a judicious manner as to cut off all that portion which had fallen to leeward, the signal was made for close fight, and after a short, but effectual, cannonade, the following four ships were captured:

1.	Salvador del Mundo	112 guns.
2.	San Josef - -	112 ditto.
3.	San Nicolas - -	80 ditto.
4.	San Ysidoro - -	74 ditto.

* He commanded the Theseus, of seventy-four guns, which formed part of lord Howe's fleet, in 1794, but was dispatched under rear-admiral Montague with the convoy, previously to the battle of the 1st of June.

† He had before been captain to admiral Roddam's flag when flying on board the Barfleur.

This memorable victory produced great rejoicings in England, and obtained for the British admiral the well-earned title of lord St. Vincent, while the captain of the fleet, who carried home the dispatches, received the honour of knighthood, March 3, 1797. The royal favour was further extended soon after; for in the course of the succeeding year (August 22, 1798) he obtained a patent of baronetage, as sir Robert Calder, of Southwic, in the county of Hants.

On February 14, 1799, he also received his flag as a rear-admiral; and in 1801 we find him sent with a detachment in quest of Gantheaume, who had sailed from France with stores, ammunition, and men, for the purpose of succouring the forces in Egypt; but he was unable to relieve the *army of the East*, and obliged soon after to return into port.

We now approach an important epoch in the life of this officer. Soon after the commencement of the present war, sir Robert's services were accepted; and on the promotion which took place, April 23, 1804, he was nominated vice-admiral of the white.

Having been employed in the Channel fleet, he was selected as an officer of experience by admiral Cornwallis, then cruising off Ushant, in February 1805, to blockade the harbours of Ferrol and Corunna. Although there were then five French ships of the line and three frigates, together with five Spanish line of battle ships, and four frigates, ready for sea, besides three Spanish ships just come out of the arsenal, and getting ready for service; yet he had only

seven sail allotted to him on this occasion. These were afterwards increased to nine; but notwithstanding the exigency of the service he could not obtain two frigates and two small vessels to be placed at the entrance of the harbours in question.

With the very inadequate force that could be spared, however, he kept his station; and reported both to the admiralty and the commander in chief all the movements of the enemy. At length, in the month of April, the Toulon and Cadiz fleets having effected a junction, and the ships in Brest evincing a disposition to put to sea, the situation of the squadron of observation became so dangerous, that lord Gardner issued directions, in certain cases, to repair to him. The combined naval forces, however, went to the West Indies; but it being expected they would return, and attempt to join the fleet at Ferrol, the officer stationed there received orders to be on his guard against that event.

Meanwhile intelligence had been received that a French admiral was expected daily to supersede the naval commander at the port just mentioned; and that the ships then lying there, consisting of thirteen sail of the line, besides frigates and sloops of war, had orders to be at Corunna by the middle of the month. In consequence of a subsequent report made by captain Prowse, of the Sirius, it also appeared that the enemy had erected a line of signal-posts, so as to enable a squadron to communicate with the shore; and that three more large ships were getting ready, and beginning to move. On

the 10th of July admiral Stirling, with five sail of the line, the Egyptienne frigate, and Nile lugger, was therefore ordered from Rochefort, where there were five ships of the line ready for sea, to join sir Robert Calder, who, according to his instructions, proceeded to the westward, on the 15th, for the purpose of intercepting the French and Spanish squadron from the West Indies, which was stated to consist of no more than sixteen sail.

On the 22d, about noon, the combined fleet, consisting of no less than twenty sail of the line, seven frigates, and two brigs, came in sight, while the English force was composed of only fifteen ships, two frigates, a cutter, and a lugger.

ENEMY'S LINE OF BATTLE ON THE 22D OF JULY, 1805.

SPANISH VAN.

	Ships.	*Guns.*	*Commanders.*
1.	Argonaute	80	Admiral Gravina.
2.	Terrible	74	
3.	Espania	64	
4.	America	64	
5.	Rafael (taken)	84	Don Francis Montes.
6.	Firme (taken)	74	Don Rafael Villavicencio.

FRENCH CENTRE.

7.	Le Pluton	80	
8.	Neptune	90	
9.	Mont Blanc	74	
10.	Bucentaure	84	Admiral Villeneuve.
11.	Atlas	74	
12.	Berwick	74	

Frigates.—L'Hortense, La Cornelia, La Didon, La Permaine, La Sirene, La Themis, Le Rhin.

REAR.

	Ships.	*Guns.*	*Commanders.*
13.	Formidable	80	Admiral Dumanoir.
14.	Intrepide	74	
15.	Swiftsure	74	
16.	Indomptable	80	
17.	Scipion	74	
18.	Aigle	74	
19.	Achille	74	
20.	Algeziers	74	Admiral Magon.

Brigs.—L'Argus, Le Faret.

ENGLISH LINE OF BATTLE ON THE 22D OF JULY, 1805.

	Ships.	*Guns.*	*Commanders.*
1.	Hero	74	Hon. captain Gardner.
2.	Ajax	80	W. Brown.
3.	Triumph	74	H. Inman.
4.	Barfleur	98	G. Martin.
5.	Agamemnon	64	J. Harvey.
6.	Windsor Castle	98	C. Boyles.

Frigate.—Egyptienne.

REAR.

7.	Defiance	74	P. Durham.
8.	Prince of Wales	98	Vice-admiral sir R. Calder, bart. W. Cuming, captain.
9.	Repulse	74	Hon. A. K. Legge.
10.	Raisonnable	64	J. Rowley.
11.	Dragon	74	W. Griffiths.
12.	Glory	98	Rear-admiral Stirling. Samuel Warren, captain.
13.	Warrior	74	S. H. Linzee.
14.	Thunderer	74	W. Lechmere.
15.	Malta	84	E. Buller.

Frisk cutter, Nile lugger, Sirius frigate.

Notwithstanding the decisive superiority of the enemy in point of force, coupled with the manifest

advantage of being to windward, yet they were forced into action; and after a sharp contest, which continued until dark, two sail of the line, the Rafael of eighty-four, and the Firme, of seventy-four, guns, were both captured. Here follows an account of the engagement, as contained in the official letter, addressed to admiral Cornwallis: the paragraphs suppressed in the Gazette will be found marked in *italics*.

"Prince of Wales, 23d July, Ferrol bearing E. distance forty-nine leagues, Cape Finisterre S. fifty-two E. distance thirty-nine leagues.

"SIR, 25th July.

"Yesterday at noon I was favoured with a view of the combined squadrons of France and Spain, consisting of twenty sail of the line, also three large ships armed en flute, of about fifty guns each, with five frigates, and three brigs.

"The force under my direction, at this time, consisting of fifteen sail of the line, two frigates, a cutter, and a lugger; I immediately stood towards the enemy with the squadron, making the needful signals for battle in the closest order; and on closing with them I made the signal for attacking their centre: when I had reached their rear, I tacked the squadron in succession; this brought us close up under their lee; and when our headmost ships reached their centre, the enemy were tacking in succession: this obliged me again to make the same manœuvre, by which I brought on a very decisive action, which lasted upwards of four hours, when I found it necessary to bring the squadron to, to cover the captured ships, whose names are in the margin.

"I have to observe, the enemy had every advantage of wind and weather. During the whole day the weather had been foggy at times: a great part of the morning, and very soon after we had brought them to action, the fog was so thick, at intervals, that we could with great difficulty see the ship ahead or astern of us; this rendered it impossible to keep the advantages of the enemy by

signals, as I could wish to have done. Had the weather been more favourable, I am led to believe the victory would have been more complete.

"I have very great pleasure in saying every ship exerted itself, and was conducted, in the most masterly style; and I beg leave here publicly to return to rear-admiral Stirling, and every captain, officer, and man, whom I had the honour to command on that day, my most grateful thanks for their very conspicuous, gallant, and very judicious good conduct. The honourable captain Gardner, of the Hero, led the van squadron in a most masterly and officer-like manner, to whom I feel myself particularly indebted, as also to captain Cuming for his assistance during the action. Inclosed is a list of the killed and wounded on board the different ships. If I may judge from the great slaughter on board the captured ships the enemy must have suffered greatly. They are now in sight to windward; and when I have secured the captured ships, and put the squadron to rights, I shall endeavour to avail myself of any opportunity that may offer to give you some further account of these combined squadrons. *At the same it will behove me to be upon my guard against the combined squadrons in at Ferrol, as I am led to believe they have sent off one or two of their crippled ships last night for that port; therefore possibly I may find it necessary to make a junction with you immediately off Ushant with the whole squadron.* I have the honour to be, with great respect and regard, sir, your most obedient humble servant,

"The hon. admiral Cornwallis, &c." "ROBERT CALDER."

"P. S. *I am under the necessity of sending the Windsor Castle to you in consequence of the damage she sustained in the action.* Captain Buller has acquainted me, that the prisoners on board the prizes assert Ferrol to be the port to which the enemy's squadron are bound, as you will perceive by letters inclosed with my original dispatch, together with other private information."

As sir Robert had before considered it his duty to pursue and conquer, so he now deemed it equally his duty to preserve his ascendancy, to secure his

prizes, and to protect his own ships, many of which had received considerable damage, while the Windsor Castle was actually in tow.* This did not pre-

* An abstract of the damages sustained by the ships of the squadron under the command of vice-admiral sir Robert Calder, bart. on the 22d of July, 1805, when in action with the combined French and Spanish squadrons:

1. Hero.—The fore and mainmasts, foreyards, and maintopmast, badly wounded; the standing and running rigging very much cut; and several shot between wind and water, &c.

2. Ajax.—Mainyard and spanker-boom shot away; one of the lower deck guns totally disabled; the starboard bumpkin shot away; the rigging and sails much cut, &c.

3. Triumph.—The bowsprit and mainmast much wounded; the foremast sprung; the driver-boom carried away; sails and rigging much cut; two of the thirty-two pounders unserviceable, also four carronade slides.

4. Barfleur.—The foremast wounded, and the foreyard ditto badly, &c.

5. Agamemnon.—Main and foreyards badly wounded, the maintopmast ditto; foretopsail-yard and mizentopmast shot away; the standing, running rigging, and sails much cut, &c.

6. Windsor Castle.—The head of the foremast badly wounded; the foretopmast shot away; and a great part of the foretop carried away; the foreyard, bowsprit, and mainyard badly wounded; all the rigging and sails much cut, &c.

7. Defiance.—The mainmast, foreyard, and driver-boom wounded; mizentopsail-yard shot away; the lower rigging, stays, and sails, much cut, &c.

8. Prince of Wales.—Foretopsail-yard shot away; mizentopmast wounded; main-yard badly wounded; the rudder shot through, about two feet above the water's edge; rigging and sails much cut, &c.

9. Repulse.—The bowsprit badly wounded, and sprung in two

vent him, however, when the enemy, who were still in sight, evinced a disposition to bear down, from hauling his wind, and evincing a readiness to engage them, which it was in their power at any time to have complied with, had they been so inclined.

Nor was this, or any part of his behaviour, blamed by admiral Cornwallis, who, on the contrary, as a proof of his confidence, on the 17th of August, dispatched him with a detachment to watch the motions of the enemy. The subsequent demand for an investigation into his conduct proceeded solely from himself; and could only result from a delicate sense of injured honour.

Having learned, while cruising off Cadiz, by the ships just arrived, as well as by letters from his friends in England, that his conduct on the 23d of July had been animadverted on in the most scan-

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places; the topmast and other rigging very much cut, and the sails much shattered; the knee of the head damaged below the bob-stays, &c.

10. Raisonnable.—Cross-jack-yard damaged, and some shot in the hull, &c.

11. Glory.—Foreyard wounded, and the rigging cut, &c.

12. Warrior.—Spritsail-yard, foretop-gallant-yard, and driver-boom, shot through; running rigging and sails much cut, &c.

13. Thunderer.—Mizenmast, fore-yard, and maintopsail-yard, wounded; a shot between wind and water; the upper cheek of the knee of the head shot through, and the opposite one started off; the sails and rigging much cut, &c.

14. Malta.—Mizenmast wounded; mizentopmast, and ditto topsail-yard shot away; main-yard very badly wounded: foretop-mast wounded; standing rigging and sails much cut.

dalous manner, the admiral immediately addressed a dispatch to the lords of the admiralty, dated October 2, 1805. After alluding to the reports which had been propagated, he requested an inquiry might take place: "for the purpose," says he, "of enabling me to give my reasons publicly for my conduct at that time; and to refute such unjust, illiberal, and unfounded assertions; when, I trust, I shall make it appear to the satisfaction of my king, country, and friends, that no part of my conduct and character will be found deserving of those unfavourable impressions, which, at present, occupy the public mind; being conscious that every thing in my power, as an officer, was done for the honour and welfare of my king and country, after a very minute investigation of all the existing circumstances, and the very critical situation I was placed in with the squadron I had the honour to command at the time alluded to."

This proposition having been acceded to on the part of lord Barham and the other commissioners, a court-martial, of which admiral Montagu was nominated president, accordingly assembled on board the Prince of Wales, in Portsmouth-harbour, on Monday, the 23d day of December, 1805. The court having opened at half-past ten o'clock, and vice-admiral sir Robert Calder, bart. being called in, entered, attended by the marshal of the admiralty. The following paper was then read by M. Greetham, esquire, deputy judge-advocate of the fleet:

"By the commissioners for executing the office of lord high admiral of the united kingdom of Great Britain and Ireland, &c.

"Whereas sir Robert Calder, bart. vice admiral of the blue, hath, by his letter to our secretary, dated the 30th September last, requested, for the reasons therein mentioned, that an enquiry may be made into his (the said vice admiral's) conduct on the 23d of July last, the day after his engagement with the combined fleets of Frnce and Spain, or upon the whole, or such part thereof (when in presence of the enemy) as shall appear for the good of his majesty's service, and for enabling him to give his reasons publicly for his conduct on that occasion:

"And whereas we have thought fit, in compliance with the vice admiral's request, and for the reasons mentioned in his said letter, that a court-martial shall be assembled for the purpose above-mentioned, and also for enquiring into the whole of the said vice-admiral's conduct and proceedings on the said 23d of July last, and into his subsequent conduct and proceedings until he finally lost sight of the enemy's ships; and to try him for not having done his utmost to renew the said engagement, and to take or destroy every ship of the enemy which it was his duty to engage: we send you herewith sir Robert Calder's above-mentioned letter of the 30th of September last, and do hereby require and direct you to assemble a court-martial, as soon as the witnesses deemed necessary to be examined on this occasion shall be ready, which court (you being president thereof) is hereby required and directed to enquire into the conduct and proceedings of the said vice-admiral sir Robert Calder, with his majesty's squadron under his command, on the said 23d day of July last, and also into his subsequent conduct and proceedings until he finally lost sight of the enemy's fleet, &c."

Rear-admiral Stirling, captain Durham, and the other witnesses, were then sworn and examined for the prosecution, and it appeared in general, from their depositions, that sir Robert had always placed the British squadron between the enemy and the

Windsor Castle, as well as the prizes, while the port of Ferrolwas kept in view, so as to prevent the possibility of a communication.

On Wednesday the 25th of December sir Robert Calder's defence was read by his counsel, Mr. Gaselee. After stating the length of his services, and remarking that with a very inferior fleet he had forced a superior one of the enemy to action, and obtained a decisive victory, he entered on his justification.

In the course of this office, he observed, "that the not renewing the engagement, if it was practicable to have done it, was not only justifiable, but the most proper and prudent course, under all the circumstances, and that the attempting to *force* a renewal of the action, might not only have endangered the safety of his own fleet, but eventually that of the country itself."

As to the specific charge, it was noticed that it did not range itself precisely within any of the articles of war, and that it assumed as a principle, that it was the admiral's duty to renew the action, and endeavour to take or destroy every ship of the enemy.

"I am ready to admit," adds he, "that it is so much the duty of an officer to engage the enemy wherever he meets with *them*, that it is incumbent upon him to explain, satisfactorily, why he does not; but in making that explanation, it is not necessary for him to prove the *physical* impossibility of doing so. It may be possible, and yet there may be very many reasons why he should not. Indeed, the absurdity of a contrary opinion is such, that it

would be an idle waste of time to trouble the court with many observations upon it.

" They will, however, permit me to observe that mine is not the only instance where a British fleet has laid in sight of that of the enemy without renewing an engagement.

" In proof of this assertion, if it be necessary, I need only recal to your memory, out of many others, the example of two very great and gallant officers, who, after having obtained most brilliant victories over the enemy, did not think themselves justified in bringing them a second time to action, although they were in sight of them fully as long as I was. The two meritorious officers to whom I allude are earl Howe, in the action of the 1st of June, 1794, and earl St. Vincent, in that of the 27th of February, 1797. Of the latter I am competent to speak from my own knowledge, having had the honour to serve under his lordship as captain of the fleet in that engagement.

" Of the propriety of the conduct of these noble lords, in both instances, no doubt has at any moment been entertained by any body. They certainly exercised a sound discretion upon the occasion; but it may not be improper for me to remark, that, although the advantages they had acquired were certainly superior to mine, that mine was a situation in which it was in every respect more necessary to exercise that discretion, which, in every case, must be vested in the commander of a squadron, to judge of the propriety or impropriety of offering battle to a superior fleet. In the instances above-mentioned there was no other force to contend with, no other quarter from which an attack was to be apprehended, than the fleets which had been already engaged. In mine, it behoved me to be particularly on my guard against the Ferrol and Rochefort squadrons, consisting of twenty-one sail of the line, both which I had reason to belive were out, and *one of which appears to have been actually on the sea,* and to which the squadron opposed to me might easily have given notice of their situation, as will be hereafter more fully stated."

The admiral then alluded to the action of the 22d, respecting which he observed, " that the vic-

tory certainly was ours, and most decisively so; and that he had only to lament that the weather did not afford an opportunity of making it more complete." The firing, he added, did not cease until half past nine o'clock, and before this his night signals were hoisted, it being then dark. The enemy were to windward a long cannon-shot, the evening was "foggy and dirty," the fore-top-mast of the Windsor Castle was shot away, and the other vessels were employed in repairing their losses, "and being then unacquainted," adds sir Robert, "with the state of the damages which the several ships had received, I did flatter myself that I should, the next morning, have been in a condition to renew the engagement, and with that view I did all I could, consistently with the attention necessary to prevent a separation between any parts of the squadron, to keep as near as possible to the enemy during the night."

At day-break, however, notwithstanding all his endeavours to achieve this, the admiral found that he was eight or nine miles to leeward, with the Malta, Thunderer, the prizes, and frigates, entirely out of sight, while the Windsor Castle was in tow of the Dragon, and the Malta had one of the captured ships in tow also. A formidable list of the damages sustained by the ships in his squadron had been just sent in, and the enemy appeared to those on board the Prince of Wales (the flag-ship) not to have sustained any loss in their masts or yards, with the exception of a vessel which was in the act of replacing one of the latter.

In this state of affairs he considered his own fleet, on account of the crippled situation of several of the ships, as not in a condition to carry sufficient sail to windward to force the enemy to a renewal of the action, particularly as there were a considerable sea, and a very heavy swell, which would have endangered both masts and yards had he been rash enough to have attempted it.

"That my judgment," adds he, "respecting the inability of these ships to carry sail was correct, requires, I apprehend, no other proof than, that early in the morning of the 23d, on edging down under easy sail to join the Malta and other ships to leeward, and effect a junction of my squadron, the Barfleur sprung a lower yard; and that on the 25th, after having parted company with the Windsor Castle and prizes, and made sail to endeavour to regain the enemy, a few hours only had elapsed before the Repulse sprung her bowsprit, and the Malta her main-yard. This was the first time that any press of sail had been carried after the action, and affords a specimen of what might have been expected had I ordered them to carry so much sail on the morning after the action, as must have been necessary to have given me even a chance of getting up to the enemy.

"It has also been proved to you, by captain Inman, that when on the morning of the 23d I ordered his ship to drive away a frigate that was coming too near us, for the purpose of reconnoitring, he was every moment apprehensive that her masts would have gone by the board.

"Another consequence, which must have attended my attempt to force a renewal of the action, would have been a separation, and probable capture, of the Windsor Castle and prizes; for, independantly of their falling in with the Rochefort squadron, had I sent them to England without taking care of them until they were past that danger, it was observed that the enemy had three sail of the line and three or four frigates constantly advanced on their weather bow, ready to act against any ships that might have been

separated from the main body, provided I had made any movement to occasion such separation. This I conceive it was my duty on every account to prevent. By doing so I preserved the victory I had acquired, in spite of their very great superiority, and in defiance of the many hostile squadrons I was surrounded by at this time.

"In endeavouring to compel a renewal of the action, I should also have sustained a very considerable inconvenience in the want of frigates, a class of ships particularly useful at such a time, for purposes so obvious to the court, that it would be superfluous to point them out.

"Permit me also to say a word or two upon the superiority of the enemy in point of numbers. I am far from encouraging the idea that on no account is an engagement to be risked where the enemy is even greatly superior; I know too well the spirit, the valour, and bravery of my countrymen, to entertain such a thought; my conduct in commencing the action on this occasion is a decisive proof of it. But I do deprecate the idea that, under all circumstances, and in all situations, an engagement must be continued as long as it is practicable to continue it, whatever may be the opinion of the officer commanding a squadron, that he puts to hazard, by such continuance, the advantages he had gained by his original attack. The consequence of such an idea being encouraged and inculcated, must, one day, become fatal to many good and gallant officers, as well as to my country. I contend that every case of an engagement with a superior force must depend upon its own circumstances; and the propriety or impropriety of entering into or renewing it, must depend upon the discretion of the commander, to be exercised according to the best of his judgment, and subject to that responsibility which attaches to all persons in situations of command.

"Circumstanced as I thus was, it appeared to me to be impracticable to have forced the enemy to action, or, if at all, with such advantage as would have justified the attempt, even if I had nothing to apprehend from any squadron but that which I was opposed to, and if the opposing squadron had been the only object to which, by my orders, my attention had been directed; but

when I reflected that in addition to that squadron and the Rochefort, which it appears were then actually at sea, there were sixteen sail of the line at Ferrol, within a few hours sail, who, if not already out, might, on receiving intelligence from the combined squadrons, have come out to their assistance; or, in the event of my not being in a situation to return to Ferrol, the continuance of which blockade was one main object of my instructions, there would be no force to oppose those squadrons, and that they would more than probably have pushed for Ireland, or perhaps England, to facilitate the invasion, which was then every moment expected; I really felt that I should be running too great a hazard, and putting my fleet into a situation of danger which I could never have justified.

"I therefore judged it most prudent to keep my squadron together, and not to attempt to renew the engagement unless the enemy offered it, or an opportunity afforded itself of my doing so under more favourable circumstances than at that time presented themselves.

"At the same time conceiving that their object might be to effect a junction with the ships at Ferrol, I determined, if possible, to prevent their attaining that object, and to keep myself between them and that port, and, if possible, to draw them to the northward; that, by so doing, I might accompany the Windsor Castle and prizes out of the reach of the Rochefort squadron, and afterwards perhaps have an opportunity of re-attacking the enemy before they could reach their own shores; that this was the determination formed at the time will appear from all my letters, and will be proved by a witness whom I will call to this point.

"Having formed this conclusion, I acted upon it during the two days that the enemy remained in sight, keeping my squadron collected under an easy sail, certainly never offering, but as certainly never avoiding, an engagement, had the enemy chosen to bring it on. On the contrary, it has been proved, that upon all occasions where they bore down and had the appearance of an intention to engage us, I immediately hauled my wind for the purpose of receiving them; and have no doubt but that, had they persevered in what appeared to have been their intention, though

I believe it was only done vauntingly, to use the expression of one witness, or, as another has said, *only done* for the purpose of joining their leewardmost ships, and keeping their squadron together, they would have met with a proper reception. If, however, at any time, they really entertained any such intention, they very soon abandoned it, for on all the occasions I have mentioned they hauled their wind in a very short time after they had begun to bear down.

"During the whole of the 23d the enemy had the wind. At the close of it they were at the distance of more than four leagues. I made signal that I should steer north-east, and that every ship should carry a light, to prevent separation during the night.

"At day-break in the morning of the 24th the enemy's fleet was west six or seven leagues, seen only from the mast-head. It is true, that during the greatest part of this day the wind was in our favour, but they were light breezes; there was a considerable swell; their distance from us was considerable, and I doubt much if I could have made sufficient way to have overtaken them. I did not, therefore, feel that an opportunity sufficiently favourable had offered itself to induce me to vary from the determination I had before formed. About fifty minutes after three one of them steered to the south-east, and at six they were entirely out of sight.

"During the whole of the 25th I continued my course by north, and having accompanied the Windsor Castle and prizes so far to the northward that I thought they might proceed with safety, I parted with them, and directed captain Boyles to acquaint the commander in chief that I should make the best of my way to the rendezvous off Cape Finisterre, in the hope of falling in with lord Nelson, and if I did not find his lordship there in a short time after my arrival, I should proceed in search of the combined squadrons, supposed to be gone for Ferrol, and that if any favourable opportunity should offer of attacking them before they got in, I certainly should avail myself of it."

The admiral next proceeds to state his disappointment after his victory, when, instead of being

again honoured with the approbation of his sovereign, and beholding his brave associates receiving those rewards they were so justly entitled to, he found himself traduced and vilified in the newspapers, the most moderate of which had accused him of playing with the feelings of the public, and disappointing those expectations which he had contributed to raise. He was hurt also at the manner in which his dispatch had been *garbled*, for by being published, not as an extract, which it really was, but a copy, which it was not, it in some measure gave a colourable pretext for the above charge.

It had also been asserted, and was said to have been reported by lieutenant, now captain Nicholson, who carried home the official letter, that the vice-admiral observed, on delivering him the dispatches, "that he had written to the lords commissioners of the Admiralty that he should bring the enemy to action again, but that he might assure them afresh, that he had it in his power to do so, and that he was determined upon it." Sir Robert asserts, on his honour, that he never delivered any such message, for he did not send the officer in question to England, but to the commander in chief, off Ushant, nor, in fact, did he write any letter to the Admiralty; nay more, at the time he left the fleet the enemy were completely out of sight, whence the improbability of renewing the action was evident; and every letter written by him proves that it was not his intention to go after the combined squadron

until he had accompanied the Windsor Castle to a situation where she might be safe.

The admiral concludes as follows:

"In forming a judgment upon the second branch of the question, viz. the prudence of renewing the engagement, the court will forgive me if I again press upon their consideration the very critical situation in which I was placed; the hazard I must have run even if successful; the certain ill consequences of a defeat.

"They will not forget that to fourteen sail of the line, without any frigate, the enemy had to oppose eighteen sail of the line and seven frigates, besides other vessels. Against such a force I could not hope to succeed without sustaining considerable damage; I had no friendly port near me, and in that situation had the Ferrol and Rochefort squadrons fallen in with me, I must have become an easy prey to them. Had they taken a different course, and sailed for Ireland, or even England, there was no squadron to arrest their progress. Had I been defeated, although many of the enemy's ships must have been disabled in the conflict, I should have lost the advantage I had before obtained, the enemy would have acquired spirit, their remaining squadrons would have been unmolested, and it is impossible to foresee what might, in that case, have been the consequence.

"The question before you is a great and momentous one; it affects every officer who has been, or at any time may be, in a situation of command. Miserable indeed must be their condition, if they are to be censured for an honest exercise of the discretion necessarily resulting from such a situation. I have ever felt that in my case I have exercised it wisely and beneficially; I still feel so; and were I again placed in similar cases, I should act in the same manner, unless this court, putting themselves in the situation I then was, and considering all the circumstances that at that time presented themselves to my consideration, the various concerns to which my attention was necessarily directed, should tell me I have acted erroneously. This I trust they will not do.

"If in the discussion of this question I may be allowed to look

to subsequent events, they, I think, will fully justify the line of conduct I adopted. By it I was enabled, after receiving a reinforcement, to pursue the combined squadrons into Cadiz, and thereby perhaps to have laid the foundation of that glorious victory which we have so recently celebrated. Believe me, gentlemen, the circumstance of having, by the various calumnies which have been spread, been put under the necessity of soliciting the present inquiry, and thereby been prevented from being a sharer in the glories of that day, has been no small addition to the various sufferings I have undergone.

"These sufferings, I trust, will now have had their period, and the opinion of this court will, I flatter myself, confirm me in that estimation with the profession and the public which I have for so many years enjoyed, and restore to me unsullied that fair name and reputation which has on this occasion been so cruelly and unjustly attacked."

Captain Gardner, of the Hero, captain Legge, of the Repulse, and a number of other officers, were then called to substantiate the facts contained in the defence; and on the fourth day, December the 26th, the court having assembled at twelve o'clock, the judge advocate read the sentence, as follows:

"At a court martial assembled on board his majesty's ship Prince of Wales, in Portsmouth harbour, on the 23d day of December, 1805, and continued by adjournment from day to day, until the 26th day of the same month,

"Pursuant to an order from the right honourable the lords commissioners of the admiralty, dated the 15th day of November last past, and directed to the president; setting forth that sir Robert Calder, bart. vice-admiral of the blue, had, by his letter to their lordship's secretary, dated the 13th day of September last, requested, for the reasons therein mentioned, that an enquiry may be made into his, the said vice-admiral's, conduct on the 23d day of July last, the day after the engagement with the combined fleets

of France and Spain, or upon the whole or such part thereof (when in presence of the enemy) as should appear for the good of his majesty's service, and for enabling him to give his reasons publicly for his conduct on that occasion.

"And that their lordships thought fit, in compliance with the vice-admiral's request, and for the reasons mentioned in his said letter, that a court-martial should be assembled for the purpose above-mentioned, and also for enquiring into the whole of the said vice-admiral's conduct and proceedings on the said 23d day of July, and into his subsequent conduct and proceedings, until he finally lost sight of the enemy's ships; and to try him for not having done his utmost to renew the said engagement, and to take and destroy every ship of the enemy, which it was his duty to engage, the court proceeded to enquire into the conduct and proceedings of the said vice-admiral sir Robert Calder, with his Majesty's squadron under his command, on the said 23d day of July last, and also into his subsequent conduct and proceedings, until he finally lost sight of the enemy's fleet, and to try him for not having done his utmost to renew the said engagement, and to take or destroy every ship of the enemy, which it was his duty to engage; and having heard the evidence produced in support of the charge, and by the said vice-admiral sir Robert Calder, bart. in his defence, and what he had to allege in support thereof, and having maturely and deliberately weighed and considered the whole, the court is of opinion, that the charge of his not having done his utmost to renew the said engagement, and to take or destroy every ship of the enemy, has been proved against the said vice-admiral Calder; that it appears that his conduct has not been actuated either by cowardice or disaffection, but has arisen solely from error in judgment, and is highly censurable, and doth adjudge him to be severely reprimanded, and the said vice-admiral sir Robert Calder is hereby severely reprimanded accordingly.

"Signed,

George Montague,

J. Hollaway (vice-admiral) R. S. Rowley (vice-admiral)

E. Thornborough (vice-ad.)	J. Coffin (rear-admiral)
J. Sutton (rear-admiral)	J. Bisset (captain)
R. D. Oliver (capt.)	J. Irwin (ditto)
J. A. Wood (do.)	J. Seater (ditto)
T. B. Capel (the hon. do.)	J. Larmour (ditto)

M. Greetham, jun.

Deputy judge-advocate of the fleet."

As no political question happened to be intermingled with this decision, it was received calmly and dispassionately by the whole nation; and without meaning to insinuate the slightest disrespect to the members, it may be fairly said that the result was not popular. Some extraordinary naval trials have taken place in this country. In 1744 the gallant Mathews, who had plunged into the hottest of the fight, was declared incapable of serving in his majesty's navy, while the cunning and vindictive Lestock was honourably acquitted, although he had kept aloof during the engagement. In 1757, in consequence of a dubious sentence, admiral John Byng was shot at Portsmouth for cowardice, a charge which his death, as well as his life, alike belied. But neither of these had defeated a superior fleet, or captured two line of battle ships; nor is there a similar instance of a reprimand in respect to a victorious commander, to be found on the records of the navy. In fine, the sentence of vice admiral sir Robert Calder may be considered as *anomalous* in our service, and the peculiar hardship of his case has been already mentioned in parlia-

ment by two* noble members of the British legislature.

RIGHT HON. SIR WILLIAM SCOTT, K. B.

D. C. L. JUDGE OF THE ADMIRALTY, &c. &c.

OF all the various distinctions incident to civilized nations, that of *learning*, perhaps, possesses the best claim to respect. Titles may be conferred by caprice, and are sometimes inherited by persons unworthy of them. Wealth is a still more equivocal title to esteem, as it may accompany, and, indeed, result from the most sordid pursuits; as it may be the reward of infamy, the price of prostitution, or the offspring of corruption. But learning and talents, on the other hand, containing a happy mixture of the gifts of nature, with the fruits of study, may be said to *nobilitate* without the intervention of the royal authority, and to confer superiority without a patent of precedence.

Sir William Scott is the second son of the late Mr. William Scott, of Newcastle-upon-Tyne. It is well known that the chief produce of Northumberland is derived, not from its surface, but its bowels, and that the town just mentioned is the principal port whence that produce is shipped for the supply of London and foreign countries. His

* The duke of Norfolk and the earl of Romney, in the house of peers.

father, who was engaged in the coal trade, having resolved to settle his eldest son in the same line of life as himself, determined, at the same time, to give William a good education. He was accordingly at first placed under the tuition of the reverend Hugh Moises, M. A. master of the free grammar school, who died a few months since, but who lived long enough to witness some of his pupils rise to the highest dignities in the state, &c. and was actually chaplain to one of them, when lord high chancellor of Great Britain.

After remaining some years at home, he was sent to the south, and entered on the roll of the oldest if not the most learned establishment there, which has obtained the name of University College.

It has generally been observed, both at Oxford and Cambridge, that the young men from the northern counties either possess a certain portion of talents, or display a certain aptitude to study, which seldom fails to render them good scholars, and insure, at the same time, their future advancement in life. This was eminently the case in the present instance, for William Scott soon obtained a considerable degree of reputation, and after conducting his own studies in a manner eminently praiseworthy, he was called upon to act as an instructor to others. In his capacity of college tutor, his younger brother, the present lord Eldon, was confided to his care; and in a station in which the learned and accomplished sir William Jones had preceded him, he superintended

the education of a number of gentlemen, who have since attained considerable eminence in the world.

In due course of time he obtained the degree of doctor of civil law, and became Camdenian professor at Oxford. The lectures delivered by Dr. Scott in the latter capacity, attracted a prodigious concourse of students, and were generally admired; but being afraid, perhaps, of risking that reputation which he had been at such pains to acquire, he could never be prevailed upon to commit them to the press, and thus subject his labours to the criticism of men, most of whom would of course be inferior to himself in point of talents.

The doctor's views now expanded with his fame. At first, perhaps, he had no intention of studying the civil law, and entertained but little hope, and perhaps but little desire, to distinguish himself in Doctors' Commons. Hearing, however, that a man of talents and industry might obtain an honourable livelihood, and knowing that the profession of an advocate led to considerable preferment, he accordingly embraced it. Thus, while his brother John wore a stuff gown in Westminster-hall, and was already hoping, rather than expecting, a silk one, he betook himself to the duties of his new situation in 1779. The celebrity which had originated at the university followed him to town, and all the preferments of this branch of the law were soon laid, in a manner, at his feet.

In the autumn of 1788 Dr. Scott obtained the

office of king's advocate-general,* and on September the 3d received the *honour* of knighthood. It is not a little remarkable, that his younger brother, now lord Eldon, had but a few months before (June 27, 1788,) been *dubbed* with the royal sword, on becoming solicitor-general. The chancellorship of the diocese of London was soon after added, and in 1799 he was appointed judge of the high court of Admiralty, on which occasion, we believe, he was sworn a member of the privy council.

Sir William presides on the bench with dignity, and his sentences have always been considered as those of an able judge. Indeed, considering the constitution of the court in which he sits, it requires particular skill and nicety to administer justice with propriety and decorum. This was but too evident in the case of one of his predecessors, at a former period; and until the maritime law of nations is rendered less vague, will most likely continue to be so.

As his decision on the case of the Swedish convoy excited considerable attention at the time, and still must produce a lively interest during the present and every future war, we shall notice the grounds of it in this place.

The question relative to the right of belligerent nations, to visit, search, and detain neutrals, is highly important in these times of civilization and commerce. It was attempted on the part of a Scot-

* He preceded sir William Wynne.

tish* commander, in the days of Elizabeth, and resisted by the lord high admiral† of England in person. In 1653, after the Dutch had measured the length of their swords with the Commonwealth, the "duty of the flag" was demanded and obtained, for by the fifteenth article of the treaty of peace it was provided (and Cromwell was the first who ever expressly inserted such an article), "that the ships and vessels of the United States, as well men of war as others, be they in single ships or in fleets, meeting at sea with any of the ships of this state of England, and wearing the flag, shall strike the flag, and lower their topsails, until they passed by; *and shall likewise suffer themselves to be visited, if thereto required,* and perform all other respects due to the said Commonwealth of England, to whom the dominion and sovereignty of the British seas belong."

The honours of the flag were accordingly exacted by the Protector, but he appears to have waved the right of search.

However, in the spring of the year 1767, this was enforced by an English admiral. Sir George Rooke being appointed commander in chief, while cruizing off the French coast, fell in with a large fleet of Swedes.

"Having obliged them to bring to, and submit to be searched," says Dr. Campbell (Lives of the Admirals, Vol. IV. p. 353, 3d edition), "he found just grounds to believe that their cargoes

* Mercer. † Lord Howard.

belonged, most of them, to French merchants; upon which he sent them, under the convoy of some frigates, into Plymouth. This made a great noise; the Swedish minister interposed, and some of our statesmen were inclined to disapprove sir George's conduct.

"But as he was a man not apt to take rash steps, and consequently seldom in the wrong, he was not of a temper to be frightened from his duty, or to be brought to desist from any thing he took to be right. Sir George therefore insisted that the matter should be brought to a fair trial before the court of Admiralty, where, upon the clearest evidence, it plainly appeared that the Swedish ships were freighted by French merchants, partly with French goods, but chiefly with Indian merchandize, which had been taken out of English and Dutch ships; and that the Swedes had no further concern therein than as they were to receive 2 *per cent.* by way of gratification, for lending their names, procuring papers, and taking other necessary precautions for screening the French merchants' effects, so that the whole of this rich fleet was adjudged to be good prize; and the clamour that had been raised against sir George Rooke was converted into general applause!"

During the latter part of the American war, the northern courts, under the auspices of the empress Catharine, entered into an "armed neutrality," for the express purpose of preventing the right of search, and justifying their pretensions to the practical use of the doctrine "that free bottoms make free goods."

Early in 1799 an instance of an extraordinary and unprecedented nature occurred, which afterwards came before the court of Admiralty, when the merits of the cause were adjudged, in respect to the capture of the Maria, Paulsen master. On June the 11th, this ship was taken in the British channel, in company with several other Swedish vessels,

sailing under convoy of a Swedish frigate, having cargoes of naval stores, and other produce of Sweden on board, by a British squadron under commodore Lawson.

When sentence was about to be pronounced, the judge spoke as follows:

"In forming a judgment, I trust that it has not escaped my anxious recollection for one moment, what it is that the duty of my station calls for from me, namely, to consider myself as stationed here, not to deliver occasional and shifting opinions, to serve present purposes of particular national interest, but to administer with indifference that justice which the law of nations holds out without distinction to independant states, some happening to be neutral, and some to be belligerent. The seat of judicial authority is indeed locally *here*, in the belligerent country, according to the known law and practice of nations; but the law itself has no locality. It is the duty of the person who sits here, to determine this question exactly as he would determine the same question if sitting at Stockholm; to assert no pretensions on the part of Great Britain which he would not allow to Sweden in the same circumstances; and to impose no duties on Sweden, as a neutral country, which he would not admit to belong to Great Britain in the same character. If, therefore, I mistake the law in this matter, I mistake that, which I consider, and which I mean should be considered, as the universal law upon the question, a question regarding one of the most important rights of belligerent nations relatively to neutrals."*

Sir William then proceeded to state, that the only special consideration he should notice in favour of Great Britain was, that the nature of the existing contest did give this country the rights of

* A report of the judgment of the high court of Admiralty, &c. By Christopher Robinson, L. L. D. Advocate.

war relatively to neutral states in as large a measure as they had been legally exercised at any period of modern and civilized times. He then declared, "that he considered this as a war in which neutral states themselves had an interest much more direct and substantial than they have in the ordinary, limited, and private quarrels (if he might so call them) of Great Britain, and its great public enemy." In support of this he produced an opinion of baron Puffendorff, during the time when England and other states were engaged in the confederacy against Louis XIV.

He also noticed another preliminary consideration, but without meaning to lay any great stress upon it, "that the transaction in question took place in the British channel, close upon the British coast, a station over which the crown of England has from pretty remote antiquity always asserted something of that special jurisdiction which the sovereigns of other countries have claimed and exercised over certain parts of the sea adjoining to their coasts."

After this the learned judge proceeded to recapitulate the facts:

1. That the ships detained were Swedes, bound to different ports in the Mediterranean, some of which were French, laden with hemp, pitch, and tar. Upon doubts which captain Lawford entertained, he had dispatched a messenger to the Admiralty, keeping the convoy in the mean time in view, and having received orders to detain the merchant ships,

and carry them to the nearest English port, he sent sir Charles Lindsay and captain Raper to communicate his instructions in the civilest terms to the Swedish commodore, "who shewed his instructions to repel force by force if any attempt was made to board the convoy, and added, that he should defend them to the last. The crew of the Swedish frigate were immediately at quarters, matches lighted, and every precaution made for an obstinate resistance; and the signal was made on board the British squadron to prepare for battle."

During the ensuing night, however, possession was taken of most of the vessels, although the Swedish frigate made many movements, as if to prevent it. In the morning an armed boat was hoisted out, the crew of which took off by force the British officer who had been left on board one of the ships, who was afterwards detained. The Swedish commander also sent an officer of his own on board the Romney, to complain that advantage had been taken of the darkness to obtain possession of his convoy; but upon further conference, and representation of the impracticability of resistance to such a superior force, the captain at length agreed to go into Margate roads.

Sir William next came to the general instructions found on board the frigate, which were, to make known that this was a ship of war belonging to the king of Sweden, by hoisting the Swedish flag, and firing a salute; that all search among the merchant ships should be prevented as much as possible, and

that "in case of a violent attack, then violence must be opposed against violence." By the instructions to the merchantmen, they were expressly forbidden "to suffer the boats of any foreign nation to board them, for the sake of visitation or search."

His lordship then proceeded to state a few principles of the law of nations, which he considered as incontrovertible:

"1st, That the right of visiting and searching merchant-ships upon the high seas, whatever be the ships, whatever be the cargoes, whatever be the destinations, is an incontestable right of the lawfully commissioned cruizers of a belligerent nation. I say, be the ships, the cargoes, and the destinations what they may, because till they are visited and searched, it does not appear what the ships, or the cargoes, or the destinations, are, and it is for the purpose of ascertaining these points that the necessity of this right of visitation and search exists. This right is so clear in principle that no man can deny it, who admits the legality of maritime capture; because if you are not at liberty to ascertain by sufficient enquiry whether there is property that can legally be captured, it is impossible to capture. Even those who contend for the inadmissible rule, that *free ships make free goods*, must admit the exercise of this right at least for the purpose of ascertaining whether the ships are free ships or not. The right is equally clear in practice, for practice is uniform and universal upon the subject. The many European treaties which refer to this right, refer to it as pre-existing, and merely regulate the exercise of it. All writers upon the law of nations unanimously acknowledge it, without the exception even of Hubner himself, the great champion of neutral privileges. In short, no man in the least degree conversant in subjects of this kind has ever, that I know of, breathed a doubt upon it. The right must unquestionably be exercised with as little of personal harshness and of vexation in the mode as possible; but soften it as much as you can, it is still a right of force, though of lawful force—something in the nature of civil process, where force is em-

ployed, but a lawful force, which cannot lawfully be resisted. For it is a wild conceit that wherever force is used, it may be forcibly resisted: a lawful force cannot lawfully be resisted. The only case where it can be so in matters of this nature, is in the state of war; in conflict between two countries, where one party has a perfect right to attack by force, and the other has an equally perfect right to repel by force. But in the relative situation of two countries at peace with each other, no such conflicting rights can possibly coëxist.

" 2dly, That the authority of the sovereign of the neutral country being interposed in any manner of mere force cannot *legally* vary the rights of a lawfully-commissioned belligerent cruiser; I say *legally*, because what may be given, or be fit to be given, in the administration of this species of law, to considerations of comity or of national policy, are views of the matter which, sitting in this court, I have no right to entertain. All that I assert is, that *legally* it cannot be maintained, that if a Swedish commissioned cruiser, during the wars of his own country, has a right by the law of nations to visit and examine neutral ships, the king of England, being neutral to Sweden, is authorised by that law to obstruct the exercise of that right with respect to the merchant-ships of his country. I add this, that I cannot but think that if he obstructed it by force, it would very much resemble, (with all due reverence be it spoken), it would very much resemble, an opposition of illegal violence to legal right. Two sovereigns may unquestionably agree (if they think fit) by special covenant, that the presence of of one of their armed-ships along with their merchant-ships shall be mutually understood to imply, that nothing is to be found in that convoy of merchant-ships inconsistent with amity or neutrality; and if they consent to accept this pledge, no third party has a right to quarrel with it any more than with any other pledge which they may agree mutually to accept. But surely no sovereign can legally compel the acceptance of such a security by mere force. The only security known to the law of nations upon this subject, independant of all special covenant, is the right of personal visitation and search to be exercised by those who have the interest in making it. I am not ignorant, that amongst the loose

doctrines which modern fancy, under the various denominations of philosophy and philanthropy, and I know not what, have thrown upon the world, it has been within these few years advanced, or rather insinuated, that it might possibly be well if such a security were accepted. Upon such unauthorised speculations it is not necessary for me to descant: the law and practice of nations (I include particularly the practice of Sweden when it happens to be belligerent) give them no sort of countenance; and until that law and practice are new-modelled in such a *way* as may surrender the known and antient rights of some nations to the present convenience of other nations, (which nations may perhaps REMEMBER to *forget* them, when they happen to be themselves belligerent,) no reverence is due to them; they are the elements of that system which, if it is consistent, has for its real purpose an entire abolition of capture in war, that is, in other words, to change the nature of hostility, as it has ever existed amongst mankind, and to introduce a state of things not yet seen in the world, that of a military war and a commercial peace. If it were fit that such a state should be introduced, it is at least necessary that it should be introduced in an avowed and intelligible manner, and not in a way which professing gravely to adhere to that system which has for centuries prevailed among civilized states, and urging at the same time a pretension utterly inconsistent with all its known principles, delivers over the whole matter at once to eternal controversy and conflict, at the expence of the constant hazard of the harmony of States, and of the lives and safeties of innocent individuals.

" 3dly, That the penalty for the violent contravention of this right is the confiscation of the property so withheld from visitation and search. For the proof of this I need only refer to Vattel, one of the most correct, and certainly not the least indulgent of modern professors of public law. In Book III. c. vii. sect. 114, he expresses himself thus: " On ne peut empecher le transport des effets de contrebande, si l'on ne visite pas les vaisseaux neutres que l'on rencontre en mer. On est donc en droit de les visiter. Quelques nations puissantes ont refusé en différents tems de se soumettre à cette visite: *aujourdhui un vaisseau neutre, qui refuseroit de souffrir la visite, se feroit condamner par cela seul, comme etant*

de bonne prise." And to be sure the only marvel in the case is, that he should mention it as a law merely modern, when it is remembered that it is a principle, not only of the civil law (on which great part of the law of nations is founded), but of the private jurisprudence of most countries in Europe, that a contumacious refusal to submit to fair inquiry infers all the penalties of convicted guilt. Conformably to this principle, we find in the celebrated French Ordinance of 1681, now in force, article 12, "*That every vessel shall be good prize in case of resistance and combat;*" and Valin, in his Commentary, p. 81, says expressly, that although the expression is in the conjunctive, yet that the resistance alone is sufficient. He refers to the Spanish Ordinance 1718, evidently copied from it, in which it is expressed in the disjunctive, "*in case of resistance or combat.*" And recent instances are at hand and within view, in which it appears that *Spain* continues to act upon this principle. The first time in which it occurs to my notice on the inquiries I have been able to make in the institutes of our own country respecting matters of this nature, is in the order of council 1664, article 12, which directs, "That when any ship, met withal by the royal navy, or other ship commissionated, shall fight or make resistance, the said ship and goods shall be adjudged lawful prize." A similar article occurs in the proclamation of 1672. I am aware that in those orders and proclamations are to be found some articles not very consistent with the law of nations, as understood now, or indeed at that time, for they are expressly censured by lord Clarendon.* But the article I refer to is not of those he reprehends, and it is observable that sir William Wiseman, then the king's advocate-general, who reported upon the articles in 1673, and expresses a disapprobation of some of them as harsh and novel, does not mark this article with any observation of censure. I am therefore warranted in saying, that it was the rule, and the undisputed rule of the British Admiralty. I will not say that that rule may not have been broken in upon in some instances by considerations

* Lord Clarendon's Life, p. 242.

of comity or of policy, by which it may be fit that the administration of this species of law should be tempered in the hands of those tribunals which have a right to entertain and apply them; for no man can deny that a state may recede from its extreme rights, and that its supreme councils are authorised to determine in what cases it may be fit to do so, the particular captor having in no case any other right and title than what the state itself would possess under the same facts of capture. But I stand with confidence upon all fair principles of reason, upon the distinct authority of Vattel, upon the institutes of other great maritime countries, as well as those of our own country, when I venture to lay it down, That by the law of nations, as now understood, a deliberate and continued resistance to search on the part of a neutral vessel to a lawful cruiser is followed by the legal consequence of confiscation."

After examining the treaties with Sweden, and stating every thing that bore on the subject, his lordship concluded by condemning the ship and cargo, and desiring all private adventures to be restored.

We shall now consider sir William not in the character of a judge, but of a legislator. While a private practitioner in the civil-law courts, he did not make an attempt, we believe, to obtain a seat in parliament. But no sooner had he become advocate-general than this measure was deemed proper, and we accordingly find him returned in 1790 as a representative for Downton, in Wiltshire. He was re-elected for the same place the succeeding general election, in 1796, and he soon after aspired to, and obtained, the honour of representing that university in which he had been educated, and where he had taught.

During Mr. Pitt's long administration, sir Wil

liam generally supported the measures of that gentleman, both domestic and foreign: his conduct, therefore, in this point of view, will be considered meritorious or blameable, according to the idea entertained of the capacity and conduct of that gentleman. Without presuming to decide on this question, and waving every thing political on the present occasion, we shall proceed to shew that the subject of this memoir has not been altogether a tame or inattentive spectator of the occurrences of the times.

When the debate took place relative to the convention with Russia, in 1791, sir William expressed his entire approbation to that measure, but he spoke rather as a jurist than a politician.

"It was once his intention," he observed, "to have gone through the several particulars of this subject, had not that task been performed already with such ability by his noble friend (lord Hawkesbury) as that he really should think himself censurable for asking more indulgence of the House than he could apply for with confidence, if he were to attempt, in worse language, to convey the same sentiments as his noble friend had delivered. He should be as concise as he possibly could.

"As to the convention now before the house, as far as his understanding went, the essential rights of the country were to be supported by it; and it was at the same time perfectly adequate to every fair demand of every neutral country. The surrenders we had made, also, he thought, were made with perfect propriety. The right of search had been preserved to us, a right to which all the rest, which were the object of this convention, were subordinate with reference to the true interests of this country, and without which none of them could be supported, had been secured; a right which, by guarding against the abuses of its exercise, we had insured the continuance of its existence.

" With respect to privateers, he by no means joined in the censure which seemed to be cast on them: a popular clamour appeared to have been raised against them very undeservedly, for there were points in which the utility of that species of warfare was manifested, and which he recited. He approved, however, of the modification with respect to them in the present convention, and assigned reasons for those regulations being made applicable to the case of ships sailing under convoy.

" Upon the right of search he again took occasion to observe, that it was one to which all the rest were subordinate, for it was one without which all the rest were almost useless; it was therefore one of the pillars of our maritime strength. This was preserved in all its essential vigour by this convention. Upon the subordinate points he would not enter; they might be subject, in some degree, to critical observation, but the genrral character of them was perfectly intelligible. Under these circumstances he gave his entire approbation to the whole of the convention, as a measure brought about by the valour of the arms, and the wisdom of the councils; and which secured the most important, while it invaded none of the rights, of this country."

In 1796, in consequence of some measures that savoured of persecution in the northern part of the kingdom, a bill was brought in by the late sergeant Adair, in behalf of the quakers. This had met with the approbation of the house of commons, and of the nation in general; and in 1797 it was again presented, under the title of " a bill for granting relief to the people called quakers, and for taking their solemn affirmation in criminal as well as civil cases."

" Sir W. Scott, after an apology for the alteration which had taken place in his opinion since last year, stated at considerable length his objections to the further progress of the measure. They pointed chiefly to that branch of the bill which respected the payment of tithes. With regard to the other branch, of making the affirmation of quakers evidence in criminal cases, he was willing

to confide in the judgment of those who had greater experience than himself. He professed himself to be no enemy to toleration; but by toleration he meant that kind of toleration which, as it affected religious opinions, was not inconsistent with the civil rights of property.

"It was not enough that religious opinions should be sincere, in order to give to them a claim to protection; for if they injured the civil rights of others, they could have no such pretensions. If civil inconveniences arose from certain religious opinions, they ought to fall upon the holders of these opinions, and not upon the innocent part of the community. The opinions held by the quakers were of such a nature as to affect the civil rights of property; and therefore he considered them as unworthy of legislative indulgence.

"It was erroneous to suppose that tithes were a species of property merely ecclesiastical. In many cases they were lay property. A large proportion of tithe property was in lay hands, under the title of lay appropriations. But the quakers refused to pay tithes to the appropriator, as well as to the clergyman, though the property had been in his possession for more than three hundred years: a period much longer than the persuasion upon which they acted had been in existence.

"How then did the case stand of this tithe property, which was more ancient, and more strictly guarded by the legislature, than any other? This was the very property of which the opinion of the quaker led him to rob the possessor. No matter whether religion was or was not the foundation of his opinion; no religion could sanction civil injustice. He asked, whether it did not sound odd that a man should take a farm, and get an allowance from the landlord for what he was to pay in tithes, and by the way of putting this allowance in his pocket, plead that his conscience would not permit him to employ it for the purposes for which it was intended? Could such conduct, he demanded, be reconciled with any standard of justice, or was any act entertaining such principles worthy of being patronised by the legislature? He submitted it, therefore, to the wisdom of the house, whether, on account of such absurd fancies, if they were not something

worse, they would venture to change the regulations of civil property?

"He was more inclined to doubt the policy of the bill, because this was the first time that the legislature had been called upon to recognise such a principle. In the preamble of the bill he had observed, that it was pretended to be brought in for the relief of the quakers from imprisonment. Here the learned gentleman desired that the seventh and eighth of William the Third might be read: which being done, he observed, that so far from its being the intention of this statute to relieve the quakers from the persecution of other men, as had been insinuated, it was meant to relieve other men from the persecution of the quakers; for if any man withheld from him what was his due, that man was his persecutor; and though he did it from religious motives, still his conduct was persecution.

"He asked, whether it was really proper to sanction a violation of the rights of property upon the ground of private opinion, on whatever foundation that opinion might rest? He cautioned the house against stamping such a procedure with their authority at a time when it was so fashionable, as it was now, to hold out wild and dangerous opinions respecting property. Who knew but the next step might be a refusal to pay rent? He believed that there were some texts of Scripture which might be wrested in favour of this opinion; nay, they might even go so far as to hold it irreligious to pay their debts, because they owed no man any thing but love.

"He had seen a number of pamphlets, in which all men of property were pelted with texts of Scripture, and represented as monopolisers, who ought to share what they possessed with those who had not had such a liberal share of the good things of fortune dealt out to them. Such opinions were justly considered as worthy only of derision; but he asserted, that they admitted of as good a defence as those upon which the quakers professed to act. If the quakers pleaded sincerity in their own behalf, so might the partisans of the levelling system: or if the levellers were accused of interested views in wishing to despoil others of their property, so might also the quakers, who refused to pay that property to

which others were entitled. He wished the legislature therefore seriously to reflect before they should sanction and invite such fancies, which might certainly be productive of many great evils. He reminded the house also of the ground upon which their indulgence was claimed; not because of other religious opinions held by the quakers, not because they held it unlawful to wear a button on their hats, or to use the second person plural, but because they deemed it improper to pay tithes.

"If the principle of the indulgence was once admitted, others might claim the benefit of it; and this sect of christians would soon become the most numerous and flourishing in the kingdom. The learned gentleman next proceeded to advert to the other ground on which his learned friend (Mr. sergeant Adair) defended the principle of the bill, namely, that it would facilitate the payment of tithes. Here he could not but remark a striking inconsistency in the defence; for if the quakers really held it unlawful to pay tithes, how came they to apply for a bill, the object of which was, to facilitate the payment of them? The argument stood thus: the quakers considered themselves as unjustifiable in paying tithes, except they were compelled; the house was therefore desired to accommodate the mode of compulsion to their wishes. He then put the case both ways, either that they did pay tithes at present without compulsion, or that they did not. If they did not, their refusal was a persecution of the holders of tithes; and the remedy ought to be a prompt and efficacious one, otherwise the tithe-holder would be an owner, not of property, but of suits. The fact, however, he believed to be notoriously otherwise; and that the quaker at present pays tithes, not from actual compulsion, but under the apprehension of compulsion.

"Since this was the case, why should the remedy be placed at a greater distance, and thus rendered less prompt and less efficacious? For what was the remedy that was proposed to take the penalty off the person of the quaker, and to put it upon his property by sequestration? To this mode there were strong objections. There was no process of sequestration in the ecclesiastical courts, in which many of these causes were agitated. At any rate the process of sequestration was accompanied with so many

difficulties, and liable to so many failures, that it would produce such a diminution of the security of that species of property as must necessarily operate as a diminution of its value. Besides, the very remedy itself implies compulsion; and his yielding to this compulsion shews that his scruple had no foundation, except they were to suppose that he had a religious scruple to sequestration still stronger than that he entertained against paying tithes.

"Sir William Scott next stated his objection to the provisions of the bill respecting the process being carried on before the justices: first, upon the ground of the general obscurity of the subject, and the intricacy of particular questions which frequently occurred; and, secondly, from the influence of local and personal prejudices, from which that useful and highly respectable class of men were not altogether exempted. He controverted the statement of the severities exercised against the quakers, from documents collected from the registers of the different courts. He had directed inquiries to be made of the prosecutions which had been carried on against the quakers for the last twenty years, and he found that in the diocese of Canterbury there had not been one; that in the diocese of Bristol one had been commenced, in consequence of which the tithes were immediately paid; that there had been one in the diocese of Litchfield and Coventry against six quakers, but that no imprisonment had taken place; and that there had only been one instance in the diocese of Worcester, where the quaker was imprisoned, but was liberated in a short time from an error in the writ, in virtue of which the punishment was inflicted. There had been some, but very few, in the court of exchequer during that period. Hence he inferred, that tithes were paid at present in an easy and inoffensive manner, and that no new regulations were necessary.

"The necessary effect of the bill would be an increase of suits, and additional difficulties to the proprietor in the exercise of his rights. Things went on smoothly enough already; and any regulations upon the subject were not at present required. He well knew, from the character of his learned friend, that he was actuated by no unworthy or sinister motives. It was well known, however, that opinions hostile to tithes were abroad; and it was

not impossible that something of this kind might be connected with the present application. The effect of the measure would inevitably tend to weaken the security of property; and the house ought maturely to consider that attacks upon it were always begun where it was conceived to be the most vulnerable, and in subjects where prejudices against it prevailed. A memorable example of this occurred in another country. In France, first the tithes of the clergy were attacked; the property of the church was then all seized; the manor-rights of proprietors were next attacked; titles and nobility followed: property was the next object of plunder, till scenes of injustice and disorder ensued which struck at the repose and tranquillity of Europe. He therefore must oppose the further progress of a bill, the principle of which he considered to be so objectionable."

When the "adultery bill," by which the guilty parties were prevented from marrying each other, &c. came before the house of commons, on the 30th of May, 1800, sir William Scott made a very elaborate speech on this occasion.

He observed, "that it had been adduced, as a ground for the present bill, that more divorces had taken place of late years than at any former period. But from the general and comparative view which he was enabled to take, he felt some satisfaction in declaring that the state of morals was not worse now than it had been in former periods. There were many instances to be found of a strict adherence in the people of this country to old English manners and English virtues: there were many bright examples of conjugal virtue and fidelity amongst persons of the highest ranks in society; nor did he think that it would be any discredit to this country to compare its state of morals with that of any other country, and particularly as it respected the crime of adultery.

"Let any gentleman look into the old English comedies, from Dryden to Congreve, as a specimen of English morals, and compare them with the productions of the more modern comic muses; and it must lead him to this conclusion, that the state of the morals was worse formerly than now. He might also refer to the testi-

mony of history, from the writings of the grave Hammond to those of the noble writer lord Clarendon. He must therefore have very strong evidence under his eye, before he could agree in thinking that the state of morals was deteriorated. The only evidence that had been stated was the increased number of divorces of late years. But he was led to suspect that this arose from causes which had little reference to the profligate state of manners; nor did he think it a probable thing that such profligacy should have broken out all at once.

"The state of opinion, and the laws, as respecting marriage, were to be taken into consideration. Before the Reformation it was by the law of the church of Rome, which existed in this as well as other christian countries in Europe, that marriage was a sacrament, and a business with which human legislatures had nothing to do. In consequence of this, divorces were not allowed. When sir Thomas Powis said, that for six hundred years there had been but four or five divorces, he said truth; but the answer was plain, which was, that no human authority had been allowed to lay its finger upon the subject till the Reformation. It was impossible to deny that some of the Reformers ran into wild ideas on the subject of divorce, which were inconsistent with the solemnity of the marriage-contract. The opinion of archbishop Cranmer was more consistent: he held, that adultery caused a dissolution of marriage; and that it was lawful and right for human tribunals and legislatures to pronounce upon their dissolution. It became the opinion in the country, amongst eminent divines, and the law of the canons, that marriage, although not a sacrament, was a high, mysterious, and sacred ordinance, with which human legislature had nothing to do; and that even adultery itself did not dissolve the marriage.

"In the canons of 1603 an additional sanction was imposed, which made it necessary for the ecclesiastical judge to require a bond from the innocent party as well as the guilty, not to contract marriage during the life-time of each other. He believed the first attempt to invoke the interference of the legislature did not occur till the year 1668, in the case of lord Hughes; yet even then, though at the distance of one hundred years from the Reforma-

tion, so strong was the opinion that human legislatures had nothing to do in such matters, that it was with the greatest difficulty the divorce-bill was carried through the house of lords; and all the bishops but two voted against it. In the year 1715 bishop Fleetwood combated the same notions (in the case of sir George Downing), which still existed in his time.

"After the accession of the present family to the throne more liberal notions began to prevail; the legislature was more generally applied to on such subjects, and the old notions were gradually obliterated. Such was the reason why so few applications had been made for divorces till after the middle of the present century. Of late years applications to the legislature for divorces were no longer resisted on old English ground; the expence formed one of the chief difficulties: but this obstacle became gradually diminished in proportion as the wealth of the country increased. However, he could state, that there were as many ecclesiastical sentences of separation *à mensa et thoro* before, as since, the Reformation. The number of divorces that had been sued for was more to be attributed to the prevalence of the new notions, than to the increased profligacy of manners. From looking into the records of ecclesiastical courts for the last thirty years, he had to remark, that the number of these sentences had not considerably increased. From 1770 to 1780 there were about fifty-three sentences *à mensa et thoro*; from 1780 to 1790 there was a much smaller number; and from that period to the present time the number was about fifty-five.*

"A great number of these divorce-cases may have found their way into parliament from causes not connected with an increased depravation of manners. This was the case during the last year, when, in consequence of an order in another house, which bore hard on the feelings of one of the parties, these causes which had

* When this bill came again before the house, sir William Scott gave the following more correct statement of sentences of separation:

From 1770 to 1780	-	-	44
—— 1780 to 1790	-	-	23
—— 1790 to 1800	-	-	52

hung back were brought forward; but in the present year these causes were fewer. Upon the whole, he did not think himself justified in entertaining such gloomy apprehensions as to the existing state of morals in the country which some persons did. With respect to marriage, two opinions had prevailed; the one that it was a mere civil, and the other that it was a religious, ceremony. In his opinion it was both. As to the law of nature, it was antecedent to the formation of society; and an important, but a mere personal, contract between the two parties. When society was formed, it became not only a personal, but a civil, contract, connected with civil privileges and obligations: when religious principles were received in a state, the marriage became also a religious contract, accompanied with plighted vows, and calling upon heaven to witness them. The idea that the marriage contract was indissoluble, was taken from the construction put upon certain texts of scripture. It was now the practice in every protestant country but our own, for courts of justice to give a sentence of separation *à mensa et thoro;* this was the case in Scotland, Holland, &c.

"He was, however, much disposed to think that the law in this country was placed on a footing the most consistent with general safety; he meant so far, that the legislature should keep the matter of divorce in its own hands, rather than leave it to subordinate courts. By the existing practice it was requisite, to entitle a husband to obtain a divorce, not only to give proofs of the misconduct of the wife, but at the same time of his own good conduct. It was evident that there might be great shades of difference as to the conduct of the husband, so as to render the decision of the legislature a matter of discretion which did not safely belong, and could not strictly be entrusted to a court of justice, where decisions were to be guided by strict rules of evidence, and matters of fact.

"With regard to the present bill, sir William said, that in its present stage he should suspend giving any decided opinion: if he voted for its going to a committee, it was not on the ground of the increased number of divorces. If its tendency was to strengthen the fences of religion and morality, then undoubtedly nothing

should be omitted calculated to answer that effect. He hoped to have found in this bill something equally pointed at the depravity of both sexes. If the house met this measure upon moral and religious principles, they ought not to do the business by halves; and as men, there was one part of it which it might be most proper for them to begin.

"Sir William added, it had been his lot, in the official situation which he held, to see the most injurious system of adultery on the part of husbands, the feelings of their wives wounded by the most glaring infidelity, and their constitutions poisoned by the most gross indecencies, whilst all the resource which the wives had was a separation *à mensa et thoro*.

"Speaking as the father of children, he must say, that he should be happy to see something inserted in this bill for the protection and happiness of daughters. This bill ought to go to prevent adultery in general, rather than the adultery of one sex. With respect to the clause which went to inflict penal chastisement on the adulterer, this was not new in the law of England. Adultery was in itself a crime pernicious and poisonous with respect to all the sweet charities of human life. It was already punishable by the ecclesiastical law (which, wherever it operated, was as much the law of the land as any other branch of the law). It must, at the same time, be admitted, that, from the state of modern opinions and manners, the punishment (that of public exposure and disgrace) was become rather a matter of derision, and was growing obsolete. But there were also sanctions of a more forcible nature: adultery was punishable by indictment in the courts of common law.

"Sir William proceeded to state his doubts on the propriety of one or two clauses in this bill. He remarked, that it was only to operate in cases where the husband was living with his wife; but if so, no action would lie in all those cases where the husband lived in a state of separation from his wife. The tendency of this was, to weaken the crime of adultery, as the crime of the female was most likely to take place in such a state of separation. He had also his doubts with regard to that part of the bill which professed to erect a fence against collusion; as well as on that clause

which enacted, that the party should be convicted and punished by a criminal court; for he could conceive many cases in which a man might obtain relief in a civil court, without the cause being sustained in a criminal court; whereas if he were to carry on an unsuccessful prosecution in a criminal court, he would fail in a civil court, and in obtaining parliamentary relief: and the expence of proceeding would also be increased by this bill, by the necessity of going through such a variety of courts, as well as both houses of parliament. He thought it was but just, on the part of the legislature, if it passed this bill, to secure the prosecutor against this increased expence.

"Sir William said, that he was inclined to think that this bill would tend to hold out a premium to the adulterer, in proportion to the terror which it held out to the adultress. He remarked, that it was already the existing law of the country that neither party should marry again; all that the legislature did was to interpose special provisions in particular cases: the existing law was, in fact, founded on the old principle he had already stated, that the *vinculum conjugale* could not be dissolved by any human authority whatever. With regard to that clause which prohibited the guilty person from marrying the adultress during the life-time of her husband, he considered that the effect of this clause would be, to give the woman her option of the whole world, with the exception of the single person with whom she had had a criminal commerce: so that, supposing a woman were so depraved as to have such a commerce with ten men, by this bill she may be still connected with all of them, with the exception only of that one whose name happened to be introduced in the legal proceedings: thus she will be allowed to have free access to all the rest of the world; all mankind but one will be at her devotion. He would ask whether, upon the whole, it would not be better to leave the woman in the situation she at present found herself by the laws of the country; and to allow the husband, in cases where he found himself aggrieved, to make his appeal to the legislature of the country? He confessed he did not see the policy or the wisdom of the measure proposed, as interfering with the discretion of the legislature. He confessed that his mind was not made up, nor

was it cleared of doubts as to the policy of the present bill: at the same time he should not object to its going into a committee, trusting to the wisdom of the house to correct those parts of the bill which, upon mature consideration, might appear to it to be objectionable."

In 1803 sir William, who has always advocated the cause of the church, in which, indeed, he holds a high official situation, began to open his plans for the melioration of the situation of the clergy. At this period he introduced a bill for the encouragement of "stipendiary curates," by a moderate improvement in their condition. The maximum, until then, was seventy pounds, making no distinction as to the amount of the living; and what he proposed and carried was, to allow a fair proportion of any benefice of four hundred pounds a year, beyond which the assistant was to have a full fifth of every one. Nearly at the same time he brought in a bill relative to the non-residence of the clergy, by which the laws then in force for giving powers to informers to proceed against such of the members of the church as held farms, or did not reside at their respective parsonage-houses, were repealed.

Nor has sir William been inattentive in his own immediate department; for it was he who proposed the act for regulating the admiralty courts in the West Indies, some of the judges of which, anterior to his intervention, are supposed to have been rather precipitate in their decisions, and to have derived the chief portion of their respective salaries from the condemnation of prizes.

At the commencement of the present war he presented a bill "for the encouragement of seamen."

"It was founded," he said, "on the ancient rules of the admiralty and vice-admiralty courts throughout his majesty's dominions. It was his duty, however, to enter into some explanation of the measure: that gallant body of men, the seamen of Great Britain, had an irresistible claim on the legislature of this country for every practicable attention that could be paid to their interest. It was a known mark of their character (he spoke of the lower classes), that they were not equal to the task of taking care of themselves; his majesty's courts had been long in the habit of thinking for them. This arose from their improvident indiscretion, against the effect of which it was in view to provide, at the same time breaking in as little as possible upon those principles which left men free to dispose of what they consider their own. To the present time they had appointed their own agents and trustees, and revoked the appointment, as they thought proper. They had the power of transferring the whole contingent interest they might be entitled to during the war, within a week after its commencement, for any consideration, however inadequate. With regard to an interest like this, which must be considered as flowing from the bounty of the crown, and to which the party had no antecedent right, any regulations that might be necessary could not be considered injurious encroachments on the rights of seamen. In the regulations he proposed to submit to the wisdom of the house, he should confine himself as much as possible to that which was most desirable in all matters of legislation, namely, to depart no further from the present usage than was absolutely necessary.

"It had been proposed that there should be a public office erected, with powers for conducting the whole business of prizes on one general system. He could not deny that a principle of this kind would be attended with advantages; but he was not sure that many of those advantages might not be obtained from the modification of the system which at present prevailed: a system which left the parties to the nomination of those in whom they confided their interest. Such a system was more natural, because it was more acceptable to those for whose benefit it was intended.

It also recommended itself, because it was calculated for the existing interests of those who had hitherto acted as agents; persons whom he could not admit to have forfeited their claims to the just attention of the legislature. He must honestly avow, that as far as his attention had been directed to that class of men, the navy-agents, it was his opinion a very large portion of the odium excited against them arose from misrepresentations, not properly considered by those who concurred in them. The adoption of that system, which left men to the nomination of their own agents, was not all he proposed. He wished to guard the nomination by regulations; it would be a great improvement of the plan, if, after agents were nominated by private individuals, they were clothed with a public, legal, known character, which rendered them amenable for their conduct. For that purpose one regulation he should propose was, that on the nomination of an agent the power of attorney should be immediately registered in the court of admiralty. At present he did not register the power of attorney till six months after it was granted; consequently till the arrival of that period he was not known. By registering his power of attorney he would be known to the court, and liable to its authority during the whole time. A second regulation was, that at the time of registering the letters of attorney the agent should give security, in a considerable sum, for the execution of his trust. At present no security was given; and consequently a seaman might pick up the most needy man he could find on Portsmouth-point to be his agent. When he considered this, he thought it surprising that the men usually employed should in general have acted so honourably as they had done. The great evil was in the other parts of his majesty's dominions. The misconduct of these men abroad became the rock on which the seamen's fortunes were shipwrecked. He could not help thinking the provisions he had introduced two years ago would prevent the recurrence of those mischiefs which had taken place during the late war. The effect of giving this purity to the system would be, that of confining the profession of agent to men of property and credit, or whose conduct had engaged the confidence of those who employed them. The next regulation was, that the letters of agency being registered

should not be revoked but upon complaint to the court, and an order for that purpose.

"As the matter stood at present, the agents were liable to be removed on the suggestion of the lowest classes of the law, to whom the seamen were particularly exposed. Questions frequently arose as to who was the legal agent, and considerable sums of money were spent in deciding that point. Such was the basis of his plan. He should propose that the agent should be invested with the permanence that belonged to a public character, so long as he exercised it with propriety. Another regulation was, that, upon the institution of any appeal, it should be lawful for the judge of the admiralty to order in the proceeds, and invest them. With respect to the navy, that question stood in a lamentable way. The money, during the whole time of the appeal, remained in the hands of the agent; in consequence of this he had an interest adverse to his principal. The evil did not rest there. If the appeal was determined in favour of the captor, the profits of the principal rested with agent; on the contrary, if the captor was condemned, he was liable to pay the interest. Another regulation was, that, after the time of appeal was elapsed, it should be in the power of the judge of the admiralty to compel a distribution. It would surprise the house to hear that there was no power to compel a distribution but by action at law, or by a bill in chancery. He should submit, whether it would not be more beneficial that the court should have the power of following up the agent to a full execution of his duty. At present it had only the power of verifying accounts, or disallowing them; but it stopped at that point where its authority was most required. Another regulation went to this, that no seaman should be allowed to make the general power of attorney to which he had adverted, in a way by which he might, for a temporary gratification, convey his whole interest in his future prize-money. It would be highly important that the power of attorney should be a special power of attorney, appointing the particular source out of which the interest conveyed was to arise. To this he should add another regulation respecting the dates of the prizes. When prizes were made in the West Indies, the seamen were often removed to other ships; and

what became of the prizes, whether they were condemned or not, they knew not. He should provide that registers of prizes should be transmitted home every month; he meant a list of all the prizes that had gone through the adjudication of the court."

When Mr. Fox introduced his celebrated motion relative to the catholics of Ireland, it was disapproved by sir William Scott. On the adjourned debate, May 14, 1805, he rose to state his objections to the measure, "which were not of a temporary nature, but of a permanent one. The general practice of all civilised states had been, with a few exceptions, to require all their executive officers to conform to the religion of the state.

"The honourable mover* of this measure had observed upon the propriety of separating political from religious establishments. In answer to that observation he should quote the authority of Mr. Burke, who stated, that the connection between church and state was the foundation of the constitution, and was inseparable. At the Reformation the civil and religious establishments were consolidated. To our ancestors we owed the blessings which we enjoyed. In the same charter in which the title of the reigning family was recognised, it was decreed that the government, as far as any human provision could be permanent, should be for ever protestant. This had been the prayer of our ancestors, and he trusted it would long be the prayer of the inhabitants of this country. This had been the legacy of our forefathers, and our own acquisition, which had insured to us freedom both of church and state.

"Every thing that connected the king with his subjects was founded on a protestant basis. The king was to be a protestant, to marry none but a protestant; and all who were to exercise the delegated powers of the crown were required to be protestants.

* Mr. Fox.

The prayer of the present petition could not be granted without a surrender of the constitution. The case of a protestant prince surrounded by catholic counsellors, for the purpose of carrying on a protestant government, was as impossible to exist in fact as in law. The catholics would have, in that case, a civil and religious duty drawing them in different directions; and he meant no disrespect to them when he stated, that he believed they might be disposed to lean to the latter, or that they would be unfit persons to watch over the church-establishment of the state.

"An honourable member (Mr. Grattan) had represented the Irish catholics as loyal; but by his argument it appeared that they were to be loyal for a boon. The catholics of this country laboured under severer disabilities than the Irish catholics; and they made no demand, or preferred any remonstrance. But the honourable gentleman had stated, that on the success of the present petition would depend the future loyalty of the catholics. It had been urged, as a ground for the admission of Roman-catholics, that they were numerous, and ought to be respected. The same rule would apply to Turks, Jews, or any other set of men. It was no argument, because much had been given, that all should be given; that they should give up the whole structure, and tear up the foundation of the state. He gave credit to the parliament of Ireland for having made a selection of offices from which the catholics were to be excluded; and as nothing on that head had been suggested at the Union, nor had any thing since occurred to alter his former opinion, he should vote against the motion."

Since the accession of the new administration sir William has been more than once, we believe, in a minority; and during the summer of 1806, he, in particular, opposed "the American intercourse bill." For his conduct on this occasion he has since received the public thanks of the committee of shipowners of the port of London.

The subject of this memoir has lived in great intimacy with some of the most celebrated men of the

present day. With Dr. Johnson he was for many years in habits of friendship and intimacy, and is often mentioned by his biographer.*

Mr. Gibbon, in his own life (quarto edition, page 51), after a pointed attack on the two universities, expresses himself as follows:

"The academical resentment, which I may possibly have provoked, will prudently spare this plain narrative of my studies, or rather of my idleness; and of the unfortunate event which shortened the term of my residence at Oxford. But it may be suggested, that my father was unlucky in the choice of a society, and the chance of a tutor. It will perhaps be asserted, that in the lapse of forty years many improvements have taken place in the

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* "On Sunday, April 15 (1781), being Easter day, after solemn worship in St. Paul's-church, I found him (Dr. Johnson) alone: Dr. Scott, of the Commons, came in. He talked of its having been said that Addison wrote some of his best papers in 'the Spectator' when warm with wine. Dr. Johnson did not seem willing to admit this. Dr. Scott, as a confirmation of it, related, that Blackstone, a sober man, composed his 'Commentaries' with a bottle of port before him; and found his mind invigorated and supported in the fatigue of his great work by a temperate use of it.

"We talked of the difference between the mode of education at Oxford, and that in those colleges where instruction is chiefly conveyed by lectures.

"JOHNSON.—'Lectures were once useful; but now, when all can read, and books are so numerous, lectures are unnecessary. If your attention fails, and you miss a part of a lecture, it is lost; you cannot go back, as you can do upon a book.'

"Dr. Scott agreed with him. 'But yet (said I), Dr. Scott, you yourself gave lectures at Oxford.' He smiled. 'You laughed then (said I) at those who came to you."—Dr. Boswell's Life of Dr. Johnson, vol. iv. p. 95.

college, and in the university. I am not unwilling to believe that some tutors might have been found more active than Dr. Waldegrave, and less contemptible than Dr. ——.

"About the same time, and in the same walk, a Bentham was still treading in the footsteps of a Burton, whose maxims he had adopted, and whose life he had published. The biographer indeed preferred the school-logic to the new philosophy, Burgersdicius to Locke; and the hero appears in his own writings a stiff and conceited pedant. Yet even these men, according to the measure of their capacity, might be diligent and useful; and it is recorded of Burton, that he taught his pupils what he knew; some Latin, some Greek, some ethics and metaphysics; referring them to proper masters for the languages and sciences of which he was ignorant.

"*At a more recent period many students have been attracted by the merit and reputation of sir William Scott, then a tutor in University-college, and now conspicuous in the profession of the civil law: my personal acquaintance with that gentleman has inspired me with a just esteem for his abilities and knowledge: and I am assured that his lectures on history would compose, were they given to the public, a most valuable treatise.*"

Sir William Scott has been married for many years, and has several children. Lady Scott was formerly a miss Bagnal, of Sunning-hill; her sister married into the family of the earl of Falmouth.

MR. COURTENAY,

M. P. FOR THE BOROUGH OF APPLEBY, AND A LORD OF THE TREASURY.

IRELAND has long boasted of its early conversion to christianity; and, if we are to give credit to some *modern* antiquaries, it possessed learning and

science within its bosom at a period when all the rest of Europe was sunk in the night of Gothic darkness. It must be confessed, however, even by them, that a great change took place, and that the country in question experienced a relapse into the most complete barbarity. This was doubtless occasioned by intestine wars and commotions, joined to the invasion of neighbouring, and more powerful, states.

The *toparchs*, or petty kings, were continually struggling for dominion and pre-eminence; and, unhappily for the people, none of them ever obtained a complete superiority. Instead of a *heptarchy*, as in England, the country, apportioned into a multitude of petty districts, beheld a myriad of chieftains assuming all the affected airs of sovereignty, and retaining their unfortunate subjects under the most rigorous forms of vassalage.

The means by which these were divided, and the arts and arms by which they were subdued, are well known. A handful of English knights, and their followers, however, could never have made any lasting impression on such an extensive country but under circumstances peculiarly favourable. These having actually occurred, they proved successful; and it has been remarked, nor does history belie the assertion, that the Irish, peculiarly brave and gallant abroad, have uniformly fought with but indifferent success on their own soil.

The civil wars in England seemed, at first, to afford an opportunity for emancipation; but, on the contrary, they served rather to rivet, than to relax,

the chain. Generally attached to the unfortunate house of Stuart, the inhabitants fell with and for Charles I. and James II. The unsparing sword of Cromwell made room for a colony of English; and it was to have been hoped that a happier destiny was then reserved for the nation. Instead of that, however, a systematical attempt seems to have been made to *barbarise* them; and for upwards of a century the great mass of the people was laid under the most mortifying restraints, and the most oppressive interdictions.

At length, however, a more generous and liberal policy began to prevail. The Irish parliament, after receiving the *octennial* boon, under the administration of lord Townsend, although said to be notoriously venal, endeavoured, at times, to vindicate its own cause as well as that of the people. Impolitic restraints were removed, cruel and unjust laws were repealed, odious imposts were abolished; and had it not been for the occurrences that unhappily followed in the train of the French revolution, it is probable that more beneficial, as well as extensive, reforms might have been effected.

Unhappily that epoch gave birth to a black catalogue of commotions and crimes; and it were to be wished, for the honour both of the victors and vanquished, that this period of our history could be blotted for ever out of the annals of both countries.

A new, and better, order of things has however arisen; and the kindred nations, united under one

constitution, and one legislature, present a happier prospect, not only for the present age, but for posterity. The time seems to be fast approaching when all penal restrictions and disabilities will be relaxed, and no difference whatsoever made between the children of England and of Ireland.

In the mean time, while her sons, strengthening our army and navy by their assistance and their services, refuse not to bleed in the same common cause with ourselves, we cannot but rejoice at her prosperity. It is with pleasure we behold her most celebrated orators and patriots occupying a place in our common parliament. We exult at seeing the offices of the state divided with her children; and we cannot refrain from expressing our satisfaction, when we behold, as in the present instance, any of her celebrated men enjoying honourable situations in this country.

Mr. Courtenay is a native of Ireland; and after having resided for many years, and kept the best company in this country, the fact may be at times ascertained from his *pronunciation*.* We have some reason, however, to suppose that his family was originally English: a circumstance which, to our great mortification as biographers, deprives him of all claims to a Milesian descent. He must therefore be con-

* The Editor thinks he could perceive a similar *accent* in the most polished periods of Mr. Burke's eloquence; but he never knew it so conspicuous as in the case of his brother Richard Burke.

tent, like the inhabitants of the country in which he at present resides, to limit his genealogy to the Norman conquest. Like the Pettys, and several other distinguished families, the Courtenays exchanged England for Ireland; and like them, too, after a lapse of many years, they have returned to the soil whence they sprung.

Mr. Courtenay, early in life, was patronised by the present marquis of Townshend. He got acquainted with this nobleman, we believe, about the time that the latter repaired to Ireland as lord-lieutenant of that country. When this nobleman, after rendering himself extremely popular as a viceroy, returned to England, it was determined to confer some high office upon him in his own country. He was accordingly nominated to the honourable appointment of master-general of the ordnance; on which occasion captain Courtenay acted as secretary to that department. It being deemed necessary that he should obtain a seat in parliament, he was returned, at the general election in 1780, for the borough of Tamworth, which is now represented by general Loftus, son-in-law to the noble marquis alluded to above.

A separation, so far as political connection was concerned, appears, however, to have at length taken place; but this did not occur until several years after. The marquis was attached to the party of lord North, and joined with the coalition administration: Mr. Courtenay also supported Mr. Fox's celebrated India bill; and after the lapse of a score of years, and the trial of different systems, it must

be allowed that it was combated chiefly by party feeling, and by prejudice. The resentment of the nation, which was animated into indignation, in consequence of his junction with the ostensible author of the American war, readily took an oblique direction, which first bereaved Mr. Fox of popularity, and then of power.

It may be necessary, however, to recur to an anterior period, and to quote Mr. Courtenay's sentiments relative to the dispute with the colonies; that unerring *touchstone* of political principle. It appears, then, that, notwithstanding the hopes of further preferment, and all the allurements of ambition, this gentleman declared his decided aversion to it; and when his situation, whether official or private, is considered, the manner in which he delivered himself on this subject must be allowed to have been manly, even to imprudence.

We accordingly find that, when the king's speech came under consideration, on the 8th of November, 1781, he coincided in the address, merely in consequence of the intervention of France and Spain.

Having risen immediately after his countryman, Mr. Burke, he declared, "that it was impossible that any person could be more affected than himself by the remarks which fell from an honourable gentleman (Mr. Pitt) at an early period of the debate. His splendid diction, his manly elocution, his brilliant periods, his pointed logic, conveyed in torrents of rapid and impressive eloquence, brought strongly to his recollection that accomplished and exalted statesman, whose memory will prove for ever dear to his applauding country. The honourable gentleman was in possession of a pre-eminence resulting from his own superior abilities,

yet still the name of his exalted father bedecked what did not stand in need of ornament, and covered him with a redoubled lustre. Mr. Courtenay remarked, that he would only trespass on the indulgence of the house for a few moments; and even this liberty he should not have taken, but that he thought it would betray a criminal indifference to give a silent vote upon a question of such infinite importance. At this disastrous moment the house of commons were called upon, by the proposed address, to support the just and necessary war in which we were engaged, against the united force of France and Spain, and against America as their ally. It was a war of necessity, of cruel and dire necessity, on which principle alone he would attempt to justify it. If there was a hope, a gleam of hope, that by acknowledging the independence of America, she could be detached from France, it would demand the serious attention of the house whether such terms should not be granted. Though the endearing and heartfelt names of colonies and mother-country should no longer exist, yet great commercial, great national, advantages would be derived from an union between people naturally connected by the same language, manners, and religion, and both inspired by the same ardent spirit of liberty; great and essential benefits might be mutually received by both countries, cemented by a federal union; and Britain, on such a liberal and enlarged system of policy, might again become a powerful and prosperous nation, the envy of Europe, and the admiration of the world!

"Mr. Courtenay observed, that much had been said on the American war, and that he was ever ready to avow his sentiments on that subject; he had always thought the war neither wise, politic, nor expedient: on every occasion, when that war had become the subject of conversation, he had very freely, perhaps sometimes indiscreetly, declared his opinion, insignificant as it was; yet still the sentiments of the meanest individual, in a free country, on a great, interesting, constitutional, question, were of some consequence. On the first day when he had the honour of speaking in that house he expressed the same sentiments, and to these he always should adhere. He had voted for the address on the explanation of ministers who had risen in their places, expli-

citly declaring that the house was not pledged, nor meant to be drawn in by the words of that address (which to some gentlemen seemed so very exceptionable) to carry on the war, for the declared purpose of subjugating America, but on general terms to prosecute that just and necessary contest in which we were engaged, in the most effectual manner, for the safety and honour of Great Britain, and the protection of his majesty's dominions.

"Mr. Courtenay added, that he disapproved of the voice of despondence; that he trusted there was an elasticity in a British mind which would always rise in proportion to the pressure of calamity; but that he was surprised and mortified to hear a noble lord (Mulgrave) of the admiralty assert, as an apology for the acknowledged inferiority of the British fleet, at this awful moment, that France, from her great resources, was enabled to maintain a superior fleet; and that in the reigns of king William and queen Anne she actually was in the enjoyment of this important superiority.

"If there was truth in his voice, it sounded the funeral knell of Britain, and might well appal the ears of the people. But Mr. Courtenay declared, that he was happy to perceive that the assertion was not founded upon indisputable authority; that it was contradicted by historical facts; and that the noble lord who made it seemed to have forgotten the glorious annals of his profession; he seemed to have forgotten the action of La Hogue, where the marine of France received a blow from which it has never recovered; he seemed to have forgotten that memorable engagement where British valour was so very conspicuous, that king James, in the exultation of his heart, losing sight of his own situation, and regardless that every hope was blasted by the destruction of that fleet intended to restore him to his throne; forgetting every circumstance, at least for one moment, except that he was an Englishman (the only recollection, and indeed the only moment of his life which merits an eulogium), burst out into this generous exclamation, when he saw the seamen in swarms scrambling up the high sides of the French ships from their boats, 'Ah, none but my brave English could perform so brave an action.'

"The noble lord, when he made the assertion, must have for-

gotten the action off Malaga, when sir Cloudesley Shovell defeated the French fleet, though superior to him in number of guns and men, as well as in weight of metal. The noble lord must have forgotten the conjunct expeditions which were carried on in those reigns; the reduction of Barcelona and Gibraltar, that could not have been effected without maintaining that superiority at sea, on which the very existence of this country depends. The ruin of the colonies and commerce of France, the destruction of her marine, the absolute annihilation of her naval power at the conclusion of every war in which she has been engaged with this country since the Revolution, are the mortifying topics on which her most eminent political writers have displayed their talents and ingenuity, while the naval superiority of Britain (from her insular situation) has been ever pathetically lamented by French patriots, as the fatal check to the ambition and splendour of their country.

"Let not, then, either the glorious reign of king William, or the triumphant reign of queen Anne, be quoted as a precedent to apologise for the present inferiority of the British navy. Let not the memory of whig ministers suffer by such an injurious supposition! The honourable member remarked, that it would be presumptuous in him to point out any reasons for the present avowed and disgraceful inferiority of the British fleet. He would only say that it could not be justified by precedents, and least of all by those drawn from the glorious reign of king William, and the triumphant reign of queen Anne.

"Mr. Courtenay concluded by observing, that no man could lament more than he did the late disastrous event in Virginia: he had listened with indignation to invidious comparisons which had arisen during the allusions to this alarming stroke. Earl Cornwallis fell (unassisted and unsupported), not ignobly by the united arms of France and America; not in the pride of presumption, by the hue and cry of the peasantry; by the *posse comitatus* of the country. He fell admired and respected by the enemy, and his chains were wreathed with laurels. The honourable gentleman concluded, therefore, by wishing that he might live to receive the reward of his valour from the hands of a deserving and gra-

clous king. He described the gallant lord as an ornament to his profession; asserted that he would add a lustre to the highest dignity which could be conferred upon him; and that the sacred and applauding voice of the people would sanctify the choice of their sovereign."

We find him also, about this period, busily employed in defending the conduct of the ordnance-board, as well as that of his noble friend who presided over it; and when the names of the opposition are recollected, it must be owned that it was no common task to rebut charges at once urged and adorned by all the powers of eloquence, while an applauding people re-echoed every accusation from one end of the empire to another.

The ministers were at this epoch accused of having constructed useless fortifications at Portsmouth, Plymouth, and Chatham; and that, too, by those very men who soon after consented to the expenditure of many millions on the same account, under the auspices of another master-general. It also came out in the course of debate, that the powder furnished to admiral Barrington was notoriously defective, as the shot fired at the enemy fell short, while their cannon-balls flew over the mast-heads of the British squadron. The tumult occasioned by the mention of this fact was, however, quelled by the secretary, who had lately set the house in a roar of laughter, by comparing some of the adverse party with Serjeant Kite, in the Recruiting Officer, as they "eat ravelines for breakfast, and picked their teeth with pallisadoes." He now obviated the charge adduced on the part of colonel Barré, by

stating that the powder in question was *French*, and not English, having been shipped at New York; and added, that it was afterwards exchanged on being proved defective.

But the batteries of the minority had become by this time too *hot*, and their gunpowder too *strong*, for the ministry, who were now obliged to retire. We accordingly find the subject of this memoir occupying a seat on the opposition-bench, and making, instead of repelling, charges.

In 1788, when the estimate of the ordnance was voted, Mr. Courtenay animadverted with considerable severity upon a plan formed by the duke of Richmond, then master-general, for raising a *corps* of artificers, who were to be subject to military law, instructed in the duties of a soldier, and not admitted into the service under the height of five feet ten inches. He ridiculed with a happy effect the idea "of estimating the merit of bricklayers, not by their skill in their respective trades, but by their size;" and observed, "that the master-general expected men who could earn half-a-crown *per diem* at their respective trades, to enlist for less than one-third of the money, in the double capacity of artificers and soldiers." This was afterwards made the subject of a motion of censure by Mr. Sheridan.

On the 20th of March, 1789, when the estimates came before the house, he again took occasion to deliver his opinion.

"Mr. Courtenay said, he was acquainted with the customary

practice of the board of ordnance, at least some years since, when it had been usual for the board to have a plan and estimates of every new work submitted to them. If in the present instance the same mode were adopted, it would be an easy matter to submit the estimate, at least, to parliament. If the noble duke at the head of the board of ordnance proceeded without estimates, undoubtedly the house could not expect to have an estimate laid on the table, but must proceed, if they proceeded at all, to follow the noble duke, and take their chance of the ultimate amount. He thought the chancellor of the exchequer supposed the probable sum to be from one hundred and eighty thousand to two hundred thousand pounds.

"He reminded the house, that two or three years ago the noble duke applied for leave to fortify Plymouth and Portsmouth; and much the same arguments in support of the project were urged then, as had been that day advanced. The first sum asked was a specific one; the house wished to have it more critically ascertained, and remanded the consideration to the board of ordnance; the second sum asked was much larger: the house was not yet satisfied, but desired that the matter might be referred to a board of general officers. In their report a still more considerable sum was stated as necessary. A clear proof how little mere assertion, on the part of the ordnance-board, was to be relied on. Mere assertion was certainly no fit ground for parliament to proceed upon.

"If the plan before the board of ordnance was really the plan of the engineers, who were to execute the works in the West Indies, Mr. Courtenay declared he should have the better opinion of it; but unfortunately all the plans of fortification lately submitted to parliament were notoriously the plans of the noble duke himself, and the engineers were merely left to execute them. As a proof of that, Mr. Courtenay said, he would mention a fact. He remembered that an engineer was to be sent over to Africa to view a certain situation, and examine the propriety of erecting a fort there. The engineer went over; and, on his return, administration having undergone a change, the noble duke was at the head of the ordnance, and he altered the engineer's plan; and

adopted a plan of his own. Colonel Bramlin was then at the ordnance board, and incurred the noble duke's displeasure, because he pointed out the errors of his plans.

"He said he would mention another fact, which was the affair of Fort Cumberland, the estimate of the expence of which had been equally varied from time to time. In fact, under the noble duke's administration of the ordnance, engineers were solely considered as overseers, and permitted to superintend the carrying on of the works which the noble duke had planned. It was, Mr. Courtenay contended, a fair question to put to the chancellor of the exchequer, had the board of ordnance an estimate of the probable expence of the intended works in the West Indies before them, or not? If they had such an estimate, and it were concealed from that house, there was some deception in the business. Mr. Courtenay here commented on part of colonel Phipps's speech, and said, with regard to his argument that troops became better from being sent to an unhealthy climate, he supposed he borrowed the idea from the right honourable secretary at war, who had said, a day or two since, that the troops were *promoted by death!*

"It was, he maintained, necessary to know what the whole of the expence would be before they voted any money on account; and therefore he could not conceive it possible for the house to resist his honourable friend's motion. There was, he said, a number of papers before the house, which shewed the conduct of the board of ordnance: if those papers were examined, it would be found that the noble duke had deviated from all his boasted plans of economy; that in most of his schemes he had with a lavish and improvident hand wasted large sums of public money; and that by laying out some of these in the purchase of powder-mills, he had raised the price of powder to six times its former cost.

"Whether this was done in order to preserve the game, or with a view to prevent people from using too much powder (which they might be inclined to do were it to continue cheap) Mr. Courtenay said he knew not; but in every one of the noble duke's schemes he asserted that there would be discovered to be a profusion of public money. When he said this, he declared he asserted a fact, and would be ready to prove what he said on any

punishment of witchcraft was sanctioned by fifty-six acts of parliament.

"It had been stated that the pulpit had been employed as an instrument of attack upon the slave-trade. If this was really the case, he was happy to understand that the pulpit had been so well employed. But he was rather apt to be doubtful of the fact, as he knew that clergymen had obtained preferment for inculcating the doctrine that the negroes were predestined to slavery, and making the planters and slave-dealers a species of scriptural aristocrats; yet he doubted not that when the bill was carried up to the other house, the bishops would rise up with that brave and virtuous indignation by which they were uniformly distinguished, to abolish a measure so contrary to the principles of justice, and the dictates of humanity.

"Every member would recollect that on his vote this night depended the happiness of millions; that it was in his power to sanction a measure, whose beneficial consequences would be felt over an extensive quarter of the globe, and which should sow the seeds of civilization, and establish the first principles of humanity in regions where they were formerly unknown."

A new and important epoch now occurred in the history, both civil and political, of Great Britain. In consequence of the French revolution families and friends were alike divided; and while some were actuated by interested views, the conduct of others was regulated by purer and more honourable motives. The path of ambition was now once more laid open to Mr. Courtenay; but he preferred what he considered as his duty, even to his personal attachments, as well as his private interests; and this in a gentleman with an increasing family, and a limited fortune, must at least be allowed to have been no common sacrifice to principle.

He accordingly opposed Mr. Pitt in most of the early measures adopted by him towards France; and when an attempt was made in 1794 to arm government with new and additional powers, he strongly opposed the measure. Mr. Courtenay, on this occasion, commenced his speech with an ironical eulogium on the brilliant abilities of Mr. Canning:

"He admired them, he said, exceedingly; but he did not know whether he most admired the arguments he displayed, or the ingenuity with which he defended his right honourable patron (the chancellor of the exchequer). An honourable friend of his (Mr. Grey) had pointed out a fact, and the honourable gentleman had confessed it, by admitting that the minister was an apostate; and, through complaisance, had declared that he himself was one also. He had acknowledged his friend guilty, and taken guilt upon his own shoulders. He had continued (Mr. Courtenay observed) by professing that he participated in his right honourable friend's disgrace; and pleaded, that if he hereafter resumed his former principles he should incur the same penalty. The honourable gentleman seemed attached to his friend, as necessary perhaps to promote his fortune:

Thus a light straw, whirl'd round with ev'ry blast,
Is carried off in some dog's tail at last.

With regard to the arguments which had been adduced, he must say, that he had not heard a single syllable uttered that could make him change his opinion as to the impolicy and absurdity of the measure in debate.

"After bestowing the highest eulogium on the habeas corpus act, he observed that Montesquieu, in his Spirit of Laws, had pronounced it the palladium of English liberty; an act that never ought to be repealed; nor, indeed, should any Englishman, who knew the value of his liberty, suffer it even to be suspended, however short the time proposed.

"Nothing could justify the suspension but great and imminent

danger to the state, and the actual existence of rebellion. During the rebellion of 1745 the people were not only notoriously disaffected to the family on the throne, but religion was mixed with their disaffection. The exploded doctrines of the divine right of kings influenced men's minds; and every thing dangerous was expected to arise from the circumstances of those troublesome times.

"When the act was suspended during the American war, America was voted in a state of open rebellion: it was conceived at that time that several persons might come over and influence men's minds; lord North, however, introduced a clause, that the penalties of the bill should not attach to any person who had been for a limited time out of the kingdom.

"Mr. Courtenay contended, that the report presented by the secret committee did not state any distribution of arms to have taken place, neither did it mention that any correspondence had been kept up with the enemy. He said, that even Mr. Reeves had not produced any evidence on the subject; and if a witness had been suborned merely to sanction the danger which ministers professed to apprehend, he should conceive it nothing more, on their part, than a *pious fraud*.

"From considering the circumstances in their present point of view, he must aver, that there was no just or good ground for the suspension of the habeas corpus act; and was free to confess, that it was one of the artful delusions which had been practised before, merely to agitate and alarm the public mind, to turn it aside, and divert it from reflecting on the circumstances of the war. It was calculated to destroy the social intercourse between men, and to make each person afraid to trust his neighbour. It had, Mr. Courtenay said, been reported that morning, that the committee had since discovered farther matter, and were in full possession of competent proof of the existence of a dangerous and alarming conspiracy; but as that proof was not brought forward, he had a right to infer the direct contrary, that on further examination no such proof would be found. He declared himself at a loss to conjecture how his majesty's ministers could adopt those measures which they so much reprobated in a neighbouring

country: for certainly the same thing had been done in France by Barrere and Robespierre."

When the same subject was again canvassed (Dec. 21, 1798), Mr. Courtenay, who had visited some of the prisoners confined subsequently to the suspension of the habeas-corpus act, rose, and spoke in substance nearly as follows:

"Every member of this house must venerate a law which secured the personal liberty of Englishmen, a law which every political writer has made the subject of his highest eulogium, and which has contributed so much to the prosperity and happiness of Great Britain. It is needless for me to urge to the house, that this great bulwark of British liberty ought to be touched with a delicate hand, and that nothing but the most obvious necessity should be pleaded in excuse for its suspension. I cannot, therefore, give my assent to a measure, the object of which is to deprive the people, for a still longer period, of one of the greatest blessings handed down to them by their ancestors, which, while it is allowed to operate, affords personal protection to every individual, and which at one time rendered the liberties of this country paramount to those of any other country upon earth.

"'We must admire,' says an elegant and philosophical writer, Mr. Ferguson, 'as the keystone of civil liberty, the statute which forces the secrets of every prison to be revealed, the cause of every commitment to be declared, and the person of the accused to be produced, that he may claim his enlargement or his trial within a limited time. No wiser forms were ever opposed to the abuses of power." It is upon an institution like this that those statesmen who wish to subvert liberty will naturally commence their attacks. It has often been assailed, and, as the same author well observes, 'It requires a fabric no less than the whole political constitution of Great Britain, a spirit no less than the turbulent and refractory zeal of this fortunate people, to secure its effects.' I am much afraid that this turbulent spirit no longer exists: if it had, the honourable gentleman would not have been successful in this measure.

"But let us look at the effects which the suspension of this act has produced. A number of persons were arrested last year; I believe, not less than twenty or thirty: has there not been time to bring them to trial? To have arraigned and convicted these persons would, in my opinion, have been the best reason that could be urged for continuing the suspension of the habeas-corpus act. Two terms have, however, elapsed without an attempt being made to try one of the persons who have been confined in consequence of the extraordinary powers given to the executive government. I should be glad to know what reason can be assigned for continuing this power any longer in the hands of his majesty's ministers. Has there lately existed any symptom of rebellion, or have any insurrections taken place in any quarter of the country? On the contrary, I believe the right honourable gentleman opposite to me cannot point out any period since the Revolution, when more loyalty and more attachment to the government were displayed than at present. It surely will not be pretended that we have now any thing to fear from invasion. The fleets of the enemy have been destroyed, and the country is covered with soldiers: I believe we have not less than between two and three hundred thousand men in arms. Now under all these circumstances, protected by such a force, and by the general disposition of the people, no appearance of any attempt to disturb the internal tranquillity of the country, and secured against all dangers from without, why continue to suspend an act upon which the liberty of the subject depends?

"There is another reason I shall state to the house why I think the suspension of the habeas-corpus act ought to cease, and I state it upon good information. Indeed, if I did not think that I had important information to give, I should not trouble the house with any remarks on the subject. Was it not for this consideration, I should not have presumed to hold up my faint and glimmering rush-light, when the great and splendid luminary of opposition is withdrawn. The reason is this; the persons imprisoned under the act, which it is now proposed you shall continue, are most cruelly used. I do not assert this from hearsay, but from my own personal observation. Having heard a great many reports respecting their situation, I resolved to go and see them, and inquire into the

fact. An honourable friend of mine (Sir F. Burdett) was rather cavalierly treated when he hinted at the situation in which these unfortunate men were placed, and I was resolved to ascertain the true state of the question. I procured an order from a magistrate, and I went to see the prison, in company with my honourable friend and another gentleman, who is not a member of this house, but who is distinguished by his humanity, and by relieving many distressed families of persons imprisoned under this act, on the information of spies. But I shall make no invidious observations on this subject. I ought to recollect, that I lately (in a high court of justice) heard an eulogium pronounced on spies and informers, who were hailed as the guardians of the state, as the tutelary deities of the constitution. If they betrayed their former associates, treason was sublimed into loyalty, and treachery into virtue, as if poison could be medicated by additional venom.

"I went to visit the prison; and I must confess that I found the reports that had reached me, of the situation of the persons under confinement, had been exaggerated—(*a cry of hear! hear!*) Yes, they were exaggerated: for had they been true, the cruelties exercised in this prison would have far exceeded any oppression that ever was committed under the horrible tyranny of Robespierre. Still, however, I must say, that their situation was extremely wretched, and the manner in which they were treated unexampled in severity and rigour. I found them without fire and without candle, denied every kind of society, exposed to the cold and rain, which in that inclement season (it was about a month ago) entered by the iron bars of their cells, only allowed to breathe the air out of their cells for about an hour, denied every comfort, every innocent amusement, excluded from all intercourse with each other, and each night locked up from all the rest of the world. Now I appeal to the gentlemen who hear me, whether they could have imagined that such a practice existed in this country, and whether they think that there was any necessity for treating state-prisoners in this manner.

"I do not believe that his majesty's ministers were privy to those proceedings. I cannot suppose that the usage these unfortunate men experienced was known to any person in administration; but

the severity they experienced was greater than I can describe it, and such as for the sake of humanity, and the honour of the country, I should hope will not again be permitted. Among the prisoners, I saw a gentleman, with whom I was acquainted above thirty years ago; an officer distinguished in the service, and amiable in his character and manners—I mean colonel Despard. I am happy however, to state, that I understand his situation has since been ameliorated. I am told he has lately been put into a room with a fire; and this change, I am informed, he owes to the humane interference of Mr. John Reeves. Till the 25th of last month, he was confined in a solitary cell, where even his wife was not allowed to visit him, though we were. These cells are so cold, that at this season of the year, it is scarce possible to exist in them. The cold may, in some degree, be tempered by closing the wooden shutters; but if the unhappy prisoner wishes to be cheared by the air and the light of heaven, he must admit the rain and chilling blasts of winter at the same time. This usage appeared to me so extraordinary, that I was at some trouble in inquiring of several gentlemen, eminent in the profession of the law, if ever they had known of such practices in this country. They uniformly answered, that they never heard of such severity; that they considered the treatment I had described to be altogether unprecedented; and that they could not imagine that any men were used in such a manner in this country.

"I suppose it is scarcely necessary to inform the house, that the prison of which I have been speaking is that which is commonly called the Bastile. *(A cry of hear! hear!)* Do gentlemen doubt it? I can assure them it is very well known by that name. When I took a coach in Oxford-road, in order to visit the prison, I desired the coachman to drive me to the *Bastile*. 'Very well, sir,' was the answer I received. Being curious to know whether he really understood the place I wanted to go to by this name, I said, 'You know it then?' 'O yes, I know it—why every body knows the Bastile in Cold-bath-fields.' Indeed it is not surprising that such a name should have been given to this prison, for when another Bastile formerly existed under a certain *regular government*, which some gentlemen pretend very much to admire, state-pri-

soners were treated better there than they have been treated in this. Perhaps it may be inquired under whose direction this prison is placed. I understand that some reverend gentlemen are among the magistrates who manage it; gentlemen of whom I do not mean to speak in any way resembling terms of disrespect. I dare say they act from the purest motives. Perhaps they kindly subjected these prisoners to so much pain in this world, that the less punishment might be inflicted on them in the next. *(a cry of hear! hear!)* Well, if this motive does not please gentlemen, I cannot help it. Let them assign a better if they can, and I shall give up this; but I assure them it is the best I can think of.

"But it is not to persons suspected of state crimes alone that the rigour I have described is extended. Many other persons, charged with offences of various descriptions, undergo the same treatment. A man sentenced to imprisonment for selling a pamphlet called the Rights of Citizenship, has been confined in one of these cells. His name is Smith.

"Now I should be glad to know whether this is the mode in which a man convicted of a libel ought to be punished. To be separated from his family, and shut up in an ordinary gaol, during the time of his sentence, one would think a sufficient execution of the sentence; but under this regimen the culprit was not only prevented from exercising his industry to support a wife and children, but his health is destroyed, and perhaps his mind deranged, for it would not be at all surprising if persons in such a situation were afflicted with insanity. I must not, however, omit to state, that this poor man was some time ago, in consequence of indisposition, removed from his cell, and placed in the sick-ward, and, as the time of his imprisonment is nearly expired, and the sending him back to his cell might occasion a relapse, he is, I understand, to be allowed to remain in the sick-ward until he is discharged. I am happy to have an opportunity of noticing this act of humanity.

"The next person whose case I shall mention is that of a disorderly woman, as she was called, that is, one of those unfortunate creatures who walk the streets. She was not convicted of any felony, but she was confined in a cold damp cell. She was at the

same time ill of that disease with which women of the town are pretty frequently afflicted. I leave it to the humanity of the house, whether it is proper to place this poor unfortunate woman in a situation, which, added to the virulence of her disorder, was likely to endanger her life. In another dismal cell I found a boy, confined there for disobedience to his master, a punishment which I believe was never before heard of for an offence of the kind.

"Such were some of the spectacles I witnessed on this visit. I have, however, no doubt that any abuses which may exist will be corrected when they come to the knowledge of his majesty's ministers. Indeed I am informed, that the state prisoners are now removed into a warm room, where they have free intercourse with each other, and that they are rendered as comfortable as a situation of confinement will admit; but what I have stated to the house is sufficient to shew that my honourable friend was not misinformed when he hinted that the state prisoners were improperly treated. For a complaint of this kind, I sincerely believe, there can only be a foundation when the circumstances are unknown to his majesty's ministers. State prisoners are more particularly under their care, since they are confined in consequence of warrants from the secretary of state; they can, therefore, be no doubt but that ministers are desirous they should not be treated with any unnecessary severity.

"With regard to any farther arguments that I might be able to urge against the bill, as they would perhaps have little or no weight with the house, I shall therefore forbear to state them: but I cannot conclude without lamenting that an honourable gentleman, celebrated for his humanity, has not visited this prison. I am convinced that honourable gentleman's principles of *Vital Christianity* (principles which indeed I have read in his book) would have induced him to exert himself to ameliorate the condition of these unhappy people. I am certain, however, that the honourable gentleman will not any longer suffer it to be said by the unfortunate, 'I was in prison, and you visited me not.' I wish the honourable gentleman had been with me when I went to see this prison. I am certain that his feelings would have been greatly affected

and then his eloquence in describing them would have been much superior to any thing the house has yet heard on the subject."

A magistrate, who was then member for Middlesex, having delivered an opinion calculated to extenuate the conduct of the keeper* of Cold Bath Fields, as well as the odious measure of solitary imprisonment, this produced a reply.

"Mr. Courtenay, in answer to what Mr. Mainwaring had said respecting Mr. Howard's opinion, that solitary punishment should be a commutation of death, quoted his letter to earl Bathurst, president of the council, in which he begged his majesty's permission to resign his situation as one of the committee, because his ideas were not adopted, nor his plans executed.

"Let not the *manes* of Mr. Howard be injuriously invoked, then, to sanction oppression and justify cruelty," said he, May 20, 1799.

"What was the disinterested philanthropist's opinion on the subject? Gentlemen should have known his sentiments before they so triumphantly and peremptorily appealed to his authority. His own words are: 'General heads of regulation proposed to be established in penitentiary houses, or houses of correction (used by Mr. Howard as synonimous terms): fuel, what kind and quantity; flues or stoves to warm the cells in winter; hot provisions daily; breakfast, dinner, supper, &c.'

"Now let it be observed, that such was Mr. Howard's idea, and such his designed regulations for penitentiary houses—'To which (says he), however (with that spirit of benevolence which always distinguished him), I should wish that none but old hardened offenders, and those who have, as the laws now stand, forfeited their lives by robbery, house-breaking, and similar crimes, should be committed.' Here, then, it is evident for what pur-

* Were the charges adduced against Aris well founded? And is he not still keeper of this same odious jail?

future day; and if he did not prove it incontrovertibly, he would allow the noble duke deserved the confidence of his country, and that he had misconceived his conduct and character."

In 1791, when the *injustice* of the slave-trade, which has so lately been recognised, after a solemn conference between both houses of parliament, began to occupy the attention and the resentment of the nation, much difference of opinion prevailed on that subject in the legislature. Mr. Courtenay was one of the first to declare his marked abhorrence of this odious traffic; and he has been uniform in his opposition to a measure which is now universally condemned.

On the adjourned debate he observed, "that he had last night heard the eloquent, pathetic, and forcible, speech of the honourable gentleman,* who had moved the question, with much sympathy and conviction. That sympathy had not been lessened, nor that conviction removed, by any thing which he had since heard on the other side. He meant now only to make a few remarks upon what had been stated by an honourable baronet,† and another honourable member.‡

"It had been said, that if we should abandon the trade, it would fall into the hands of France. But it would be recollected with what approbation the motion of the late M. Mirabeau had been received in that country for abolishing the trade; though the situation of their colonies abroad might not have rendered it pru-

* Mr. Wilberforce. † Sir Wm. Young.
‡ Mr. Cawthorne.

dent for them to have carried the measure into immediate execution.

"Yet even though the trade should not be abandoned by other nations, if justice required its abolition, we ought not to hesitate with regard to the part which we were to act.

"But it had been alleged that the trade was conducted upon principles of humanity. This, indeed, was a new species of humanity. The humanity had been stated to consist in rescuing the negroes from their wretched situation at home. Yes, they rescued them from their situation at home; and, no doubt, much credit was due to their humanity for the treatment which they substituted in the colonies. The principle of a savage war, it had been stated, was a general massacre. This, however, was not the fact, as would appear from the accounts of travellers: on the contrary, they frequently adopted their captives into their own families; and, so far from massacring the women and children, they afforded them the protection which the weakness of sex, or age, demanded. There could be no doubt that the practice of kidnapping prevailed.

"It had been said that those were sold as slaves who had been guilty of adultery. It was a circumstance worth being remarked, that every man was allowed six wives. And though this number could not be supposed to leave much inducement to the crime, yet it might naturally be expected to render the wives more jealous. The husband knew that he had six wives, but the wives knew that they had only one husband.

"It had been likewise said, that it was not very probable that the crime of witchcraft should afford a pretext for any being sold into slavery. Those who could reason upon this improbability, shewed themselves but little acquainted with the history of their own country. In the reign of James I. the crime of witchcraft had been created for the purpose of information. No less than sixty informations were then given by one man.

"An honourable member had contended against the abolition of the slave-trade, which had been sanctioned by twenty-six acts of parliament; but he dared say that it would be found that the

during the remainder of the war. The siege of Troy did not endure nine years; the administration of Mr. Pitt, however, lasted more than double that period. This was succeeded by that of another minister, whose power was but ephemeral, and had not death interposed, it is not at all unlikely that the former premier would have swayed the fortunes of the empire for years to come.

We have hitherto considered Mr. Courtenay as a legislator; but we shall now view him as a man of letters.

It is well known that the subject of this memoir possesses a classical taste for poetry, and we shall commence our specimen of his art by transcribing the only verses which, to our knowledge, he ever wrote for the stage:

Epilogue to the Tragedy of Julia, spoken by Mrs. Siddons, and written by John Courtenay, esq.

"Though tender sighs breathe in the tragic page,
What lover now complains—but on the stage?
No suitor now attempts his rival's life,
But lets him take that cordial balm—a wife;
And yet, to prove this pure and constant flame,
Still loves his mistress in the wedded dame;
Still doubts his friend, and still devoutly bows
At the fair shrine where first he breath'd his vows.

"For love, she knows, some gratitude is due,
Searches her heart, and finds there's room for two;
And often sees, her coy reluctance o'er,
Good cause to prize her *caro sposo* more.

"Thus modish wives, with sentimental spirit,
May go astray to prove their husbands' merit;

Or ope the door, in this commodious age,
Without death's aid, t'escape the wedlock's cage.
" Abjuring rules, that soon will seem romance,
Love's gayer system we import from France;
Rescind politely our old English *duty*,
And take off all restraints from wine and beauty;
While lighter manners cheer our native gloom,
As Spanish wool refines the British loom.
" Had fashion's law of old such influence shed,
The raptur'd Claudio ne'er had timeless bled:
His bliss with joy Mentevole had seen,
And Julia's favourite cicisbé had been,
Th' assiduous lover, and the husband bland,
Like Brentford's kings, had still walked hand in hand:
Together still had shone at park and play,
Quaffing the fragrance of the same *bouquet*.
" Our varlet Poet, with licentious speech,
Thus far our injur'd sex has dar'd impeach.
The female character thus rudely slurr'd,
'Tis fit, at last, that I should have a word.
" First, then, without rejoinder or dispute,
This *virtuous* circle might each *charge* refute,
That 'tis a *nuptial age*, I sure may say,
With their own wives when husbands run away.—
" But truce with jest. Howe'er the wits may rail,
The cause of truth and virtue must prevail.
Of former times whatever may be told,
We're just as good as e'er they were of old.
Connubial love here long has fixed his throne,
And bliss is gone to foreign climes unknown.
" *If now and then* a tripping fair is found,
On Scandal's wings the buzzing tale flies round:
While blameless *thousands* in sequester'd life,
Adorn each state, of parent, friend, and wife.
From private cares ne'er wish abroad to roam,
And bless each day, the sunshine of their home.

danger to the state, and the actual existence of rebellion. During the rebellion of 1745 the people were not only notoriously disaffected to the family on the throne, but religion was mixed with their disaffection. The exploded doctrines of the divine right of kings influenced men's minds; and every thing dangerous was expected to arise from the circumstances of those troublesome times.

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country: for certainly the same thing had been done in France by Barrere and Robespierre."

When the same subject was again canvassed (Dec. 21, 1798), Mr. Courtenay, who had visited some of the prisoners confined subsequently to the suspension of the habeas-corpus act, rose, and spoke in substance nearly as follows:

"Every member of this house must venerate a law which secured the personal liberty of Englishmen, a law which every political writer has made the subject of his highest eulogium, and which has contributed so much to the prosperity and happiness of Great Britain. It is needless for me to urge to the house, that this great bulwark of British liberty ought to be touched with a delicate hand, and that nothing but the most obvious necessity should be pleaded in excuse for its suspension. I cannot, therefore, give my assent to a measure, the object of which is to deprive the people, for a still longer period, of one of the greatest blessings handed down to them by their ancestors, which, while it is allowed to operate, affords personal protection to every individual, and which at one time rendered the liberties of this country paramount to those of any other country upon earth.

"'We must admire,' says an elegant and philosophical writer, Mr. Ferguson, 'as the keystone of civil liberty, the statute which forces the secrets of every prison to be revealed, the cause of every commitment to be declared, and the person of the accused to be produced, that he may claim his enlargement or his trial within a limited time. No wiser forms were ever opposed to the abuses of power." It is upon an institution like this that those statesmen who wish to subvert liberty will naturally commence their attacks. It has often been assailed, and, as the same author well observes, 'It requires a fabric no less than the whole political constitution of Great Britain, a spirit no less than the turbulent and refractory zeal of this fortunate people, to secure its effects.' I am much afraid that this turbulent spirit no longer exists: if it had, the honourable gentleman would not have been successful in this measure,

Dr. Johnson," whence we shall make some few extracts.

The following verses are in praise of his Latin poetry:

"And with like ease his vivid lines assume
The garb and dignity of antient Rome.
Let college *verse-men* trite conceits express,
Trick'd out in splendid shreds of Virgil's dress;
From playful Ovid cull the tinsel phrase,
And vapid notions hitch in pilfer'd lays;
Then with mosaic art the piece combine,
And boast the glitter of each dulcet line;
Johnson adventur'd boldly to transfuse
His vigorous sense into the Latian muse,
Aspir'd to shine by unreflected light,
And with a Roman's ardour *think* and write.
" He felt the tuneful Nine his breast inspire,
And, like a master, wak'd the soothing lyre:
Horatian strains a grateful heart proclaim,
While Sky's wild rocks resound his Thralia's name.
Hesperia's plant, in some less skilful hands,
To bloom awhile, factitious heat demands;
Though glowing Maro a faint warmth supplies,
The sickly blossom in the hot-house dies:
By Johnson's genial culture, art, and toil,
Its root strikes deep, and owns the fost'ring soil;
Imbibes our sun through all its swelling veins,
And grows *a native* of Britannia's plains."

Mr. C. has also paid the following compliment to Dr. Johnson's biographer:

Lines by Mr. Courtenay, on Boswell's "Journal of a Tour to the Hebrides:"

" With Reynolds' pencil, vivid, bold, and true,
" So fervent Boswell gives him to our view:

" In every trait we see his mind expand;
" The master rises by the pupil's hand;
" We love the writer, praise his happy vein,
" Grac'd with the naiveté of sage Montaigne.
" Hence not alone are brighter parts display'd,
" And ev'n the specks of character pourtray'd:
" We *see* the Rambler with fastidious smile
" Mark the lone tree, and note the heath-clad isle;
" But when the heroic tale of Flora charms,
" Deck'd in a kilt he wields a chieftain's arms:
" The tuneful piper sounds a martial strain,
" And Samuel sings, ' The king shall have his ain."

We shall conclude with the following complimentary verses to Dr. Johnson and his friends:

" But hark, he sings! the strain ev'n Pope admires;
Indignant Virtue her own bard inspires.
Sublime as Juvenal he pours his lays,
And with the Roman shares congenial praise;
In glowing numbers now he fires the age,
And Shakspeare's sun relumes the clouded stage.
" By Nature's gifts ordain'd mankind to rule,
He, like a Titian, form'd his brilliant school;
And taught congenial spirits to excel,
While from his lips impressive wisdom fell.
Our boasted Goldsmith felt the sovereign sway;
From him deriv'd the sweet, yet nervous lay.
To Fame's proud cliff he bade our Raphael rise;
Hence Reynolds' pen, with Reynolds' pencil vies.
With Johnson's flame melodious Burney glows,
While the grand strain in smoother cadence flows.
And you, Malone, to critic learning dear,
Correct and elegant, refin'd though clear,
By studying him, acquired that classic taste,
Which high in Shakspeare's fane thy statue plac'd;

Near Johnson Steevens stands, on scenic ground,
Acute, laborious, fertile, and profound.
" Ingenious Hawkesworth to this school we owe,
And scarce the pupil from the tutor know.
Here early parts accomplish'd Jones sublimes,
And science blends with Asia's lofty rhymes:
Harmonious Jones! who in his splendid strains
Sings Camadeo's sports, on Agra's flowery plains;
In Hindu fictions while we fondly trace
Love and the muses, deck'd with Attic grace.
Amid these names can Boswell be forgot,
Scarce by North Britons now esteem'd a Scot?
Who, to the sage devoted from his youth,
Imbib'd from him the sacred love of truth;
The keen research, the exercise of mind,
And that best art, the art to know mankind.
Nor was his energy confin'd alone
To friends around his philosophic throne;
Its influence wide improv'd our letter'd isle,
And lucid vigour mark'd the general style:
As Nile's proud waves, swoln from their oozy bed,
First o'er the neighbouring meads majestic spread;
Till, gathering force, they more and more expand
And with new virtue fertilize the land."

As Mr. Courtenay remained, with all the fidelity of an Abdiel, firm to the cause which he had espoused for a series of years, it was but fair that he should profit by its triumph. We accordingly find, that after the demise of Mr. Pitt, when the new administration was settled, he was immediately nominated one of the commissioners of the treasury, a place usually estimated at twelve hundred pounds per annum. We cordially rejoice at this event, and

it is our most fervent wish that this veteran senator may long enjoy it.

Mr. Courtenay married early in life, and has several children. His son is a most promising young man, of whom much is expected. One of his daughters is married to Richard Johnson, esq. an eminent banker, who has lately withdrawn from business, in consequence, we believe, of the amputation of his leg; another to Lawrence Dundas Campbell, esq. who has been in India, and since his return has applied himself to literary pursuits.

THE END.

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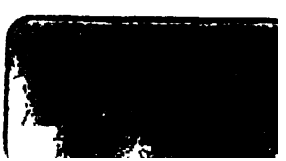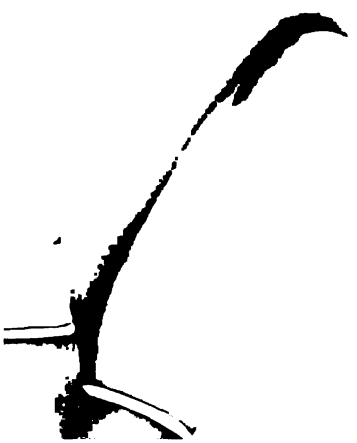
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